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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

## SENATE—Tuesday, July 18, 2000

The Senate met at 9:15 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, You have all authority in Heaven and on Earth. You are sovereign Lord of our lives and of our Nation. We submit to Your authority. Bless the Senators as they serve You together in this Senate Chamber and as they recommit to You all that they do and say this day. Make it a productive day. Give them positive attitudes that exude hope. In each difficult impasse, help them to seek Your guidance. Draw them closer to You in whose presence they will discover that, in spite of differences in particulars, they are here to serve You and our beloved Nation together. Gracious Lord, You have made this Senate a family, and we care for each other. Together we intercede for the needs of our friend, PAUL COVERDELL, and ask You to guide and keep him this day. All praise and glory and honor be to You, Gracious Lord. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Ohio is recognized.

### PROGRAM

Mr. VOINOVICH. Mr. President, today the Senate will immediately resume debate on the Interior appropriations bill with Senators FEINGOLD and BINGAMAN in control of 15 minutes each to offer and debate their amendments.

Following that debate, at approximately 9:45, the Senate will proceed to rollcall votes on the remaining amendments to the Interior appropriations bill, as well as on the final passage. Following the disposition of the Interior appropriations bill, the Senate will begin the final four votes on the reconciliation bill. Therefore, Senators should be prepared to stay in the Chamber for up to 12 votes with all votes after the first limited to 10 minutes in length.

As a reminder, the Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m.

For the remainder of the day, it is expected that the Senate will begin consideration of the Agriculture appropriations bill.

I thank my colleagues for their cooperation.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4578, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Reed amendment No. 3798, to increase funding for weatherization assistance grants, with an offset.

Bryan/Fitzgerald amendment No. 3883, to reduce the Forest Service timber sale budget by \$30,000,000 and increase the wildland fire management budget by \$15,000,000.

Lieberman modified amendment No. 3811, to provide funding for maintenance of a Northeast Home Heating Oil Reserve, with an offset.

Nickles amendment No. 3884, to defend the Constitutional system of checks and balances between the Legislative and Executive branches.

Reid (for Boxer) amendment No. 3885, to provide that none of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children may be present.

Gorton (for Bond) amendment No. 3886, to prohibit use of funds for application of unapproved pesticides in certain areas that may be used by children.

Reid (for Bingaman) amendment No. 3887, to express the sense of the Senate regarding the protection of Indian program monies from judgement fund claims.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding we have until 9:45 in morning business, and then votes will be taken, is that correct?

The PRESIDING OFFICER. The Senator from New Mexico controls 15 minutes.

Mr. DURBIN. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TAX CODE CHANGES

Mr. DURBIN. Mr. President, those who have followed the proceedings of the Senate over the last 2 weeks understand we have been debating changes in the Tax Code. The two changes we have focused on are changes in the estate tax and changes in what is known as the marriage penalty. These are two very interesting proposals that have been before the Senate but they really tell the story about the priorities of the Senate when it comes to dealing with the economy and helping families across America.

The estate tax, which we have considered and passed in a version last week to ultimately repeal it, is a tax which affects a very small percentage of Americans. In fact, fewer than 2 percent of American families will pay the estate tax. Those who end up paying it are the wealthiest people in America.

It is curious to me that when we established our list of priorities in this Congress as to tax relief, the first people in line were the wealthiest people in America. That is not to say we should not consider tax relief that involves them, but I think everyone understands that average families, smaller businesses, and family farms have priorities, too, when it comes to tax relief.

Take a look at what the Republican proposals under the estate tax, as well as the so-called marriage penalty tax, would do in terms of the people in America and their income groups.

For the 20 percent of American families lowest in income, the Republican proposals, two of them—the estate tax as well as the marriage penalty—result in tax breaks of \$24 a year. Then, as you start moving up in income, you see that not until you get up to the level of the next 15 percent here, of the top wage earners in America, do you find people even seeing a tax break of about \$900 a year—about \$75 or \$80 a month.

Now look at what happens when you go to the top 1 percent of wage earners in America, the wealthiest people in America: \$23,000 in tax breaks coming from this Republican-led Senate under these two bills, estate tax reform and marriage penalty.

So if you happen to be in a working family, down here, you are not going to notice what has been going on in the Senate because, frankly, the tax relief they are sending your way hardly pays for a magazine. But look what happens at the highest income levels: \$24 for the lowest wage earners, the people struggling to survive in America; \$23,000 for the wealthiest people in this country. Time and time and time again, the Republican leadership, given a chance to deal with tax equity in America, decides the best thing that can be done is to give to the wealthiest Americans more tax breaks.

This tells the story as well. I will not go through it in all detail, but the top 1 percent of wage earners in this country, people making over \$300,000 a year—those folks are going to see a tax break of \$23,000; 43 percent of all the tax relief coming in these two Republican bills goes to people making over \$300,000 a year.

There are people who will say perhaps they need it. I am not one of them. Frankly, I can tell you who needs it, as far as I am concerned. A working family trying to figure out how they are going to pay for their kid's college education expenses, those are the folks who need a tax break.

When we put on the floor a measure sponsored by my seatmate here, Senator Charles SCHUMER of New York, to allow people to deduct \$12,000 a year in college education expenses instead of giving tax breaks to the wealthy, it was rejected by the Republican majority. A \$12,000 deduction for college education expenses was rejected while we give a \$23,000-a-year tax break to the wealthiest among us.

Then Senator DODD of Connecticut, who has been a leader in child care, stood up and said we have a lot of people going to work in America every day worried about the safety and quality of child care; let's give them a tax break so they can pay for good, professional, safe child care and have peace of mind while at work that their kids are in good hands. It was rejected by the Republican majority. The idea of helping working families take care of their kids was rejected.

Then Senator KENNEDY and others offered a prescription drug benefit for seniors and the disabled under Medicare, struggling to pay for their drug bills. We said we think that is a higher priority than a \$23,000 tax break for the wealthiest people in America. The Republican majority said no, it is not a higher priority; it is a much higher priority to keep in the front of the line at all times the wealthiest people in America. That is what this debate is all about.

The question is, Whom do we stand for? Do we stand for working families in this country or do we stand for the financially articulate who, frankly, lord over this political process with their representatives who come in expensive suits, well dressed, standing in the corridors here saying we have to help the wealthy of America.

For good Heaven's sake, for the last 8 years this economy has been on such a roll, the wealthiest in America have done very, very well. I don't begrudge them that. But when we talk about helping people in this country, why don't we remember the folks who get up and go to work every single day, who worry about their kids' education expenses, who are concerned about day care where they can leave their kids safely, who want to make certain their parents can afford the prescription drugs they need to stay healthy?

That is not a priority among the Republican leadership here. They don't want to talk about it. They want to go to their convention in Philadelphia in 2 weeks and talk about how they have worked so hard for tax cuts and President Clinton and the Democrats have stopped them. Don't forget to ask them the question, Who are the winners under your tax cuts? The winners are those who turn out always to win when the Republicans are in control. The wealthiest win again and again in America.

I see Senator HARKIN. Senator HARKIN came in with his own proposal, try-

ing to help those concerned about tax equity. I am happy to yield to him at this point.

Mr. HARKIN. Mr. President, I thank my friend for his very eloquent and decisive statement. I think my friend has really put his finger on it.

I would add one other thing to what we attempted to do here with the future surpluses the Senator was mentioning, the various things we wanted to do to try to help average working people. I had offered an amendment a couple of weeks ago to fully fund the Individuals with Disabilities Education Act so we could help the States help families with children with disabilities to send them to school to get them the best possible education. We were stymied by the Republicans. Most of them voted against it.

Yet they find it within themselves to give, as the Senator pointed out, to the top 1 percent of this country 43 percent of the tax breaks. The surplus we have coming in the next 10 years is being used up by these tax breaks. I might ask the Senator if that is not so. It is my information, just this year, up until right now, this Senate, under Republican leadership, has passed something over \$1.3 trillion in tax cuts. Am I in the ballpark, I ask the Senator?

Mr. DURBIN. The Senator from Iowa is correct. As these charts indicate, those tax breaks are going to the wealthiest people in America. I think the Senator from Iowa, from my neighboring State, believes as I do: Hard-working people in this country are not looking for a handout; they are looking for an opportunity. Give them a chance to pay for their kids' college education; give them a chance to pay for prescription drugs; give them a chance to pay for day care. And the Republicans say consistently: That is not a priority. That is not important.

Mr. HARKIN. I see my distinguished colleague from Massachusetts. The other day, Senator KENNEDY was pointing out that the Republicans have passed \$1.3 trillion in tax cuts. Yet we have not purchased one book; we have not reduced the size of one class, we have not hired one new teacher, modernized one school, brought one prescription drug for the elderly. Yet they spend \$1.3 trillion of the surplus that is there because of hard-working Americans the Senator from Illinois is talking about.

Mr. DURBIN. I might say in response to the Senator from Iowa, to think we live in a nation where 30 percent of our population cannot read any higher than a fifth-grade level, this is a waste of resources in our country. We will need to be a productive society in the 21st century. The fact is that this Republican-controlled Congress does not even view education as a high enough priority; they would rather put our time and our effort into tax breaks for people who are doing very well under our economy.

I will be happy to yield again to the Senator from Iowa.

Mr. HARKIN. Mr. President, the Senator knows that next week we celebrate the 10th anniversary of the Americans with Disabilities Act. A recent court decision upheld the ADA, trying to get people with disabilities the right to live independently in their own communities. That is going to require us to make some changes in this country. It is going to require us to invest in making sure people with disabilities have the kind of support they need so they can get education and jobs and independent living and transportation. If we do that, they are going to be wage earners and taxpayers and not living in institutions.

I say to the Senator from Illinois, as we celebrate the ADA next week, we ought to think about that, where all the money is now going, because the Republicans are giving it all to the top 1 percent and there will not be anything left to help make our country more fair and just, and to make sure we live up to our obligation to people with disabilities so they are fully integrated into our society.

Mr. DURBIN. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Just before the Senator leaves that thought about the need for support for special education, this is something the Senator from Iowa has been particularly interested in and in which he is strongly supported by the Senator from Illinois and myself.

We have heard a lot of lectures out here about the importance of helping local communities who have these extraordinary challenges of families who have children with these special needs, and it places a very special burden on local communities. I think the Senators from Iowa and Illinois and others understand the importance of giving help and relief to these communities all across this country. We hear about the need out there.

I am wondering whether the Senator shares my belief that after giving \$1.3 trillion away, whether we should not have used some of those resources to try to help local communities and help families who have these kinds of special needs for their children?

We are going to be hard pressed to find the resources to do that. Perhaps the Senator would also tell me why it is now that we have gone all of this last year, all of this year, and we still can't get a minimum wage up to look out for the interests of 13 million Americans who are working 40 hours a week, 52 weeks a year, who take pride and have a sense of dignity, that we can't have an opportunity to address it, when in the last 5 days we have given \$1.3 trillion away to the wealthiest individuals.

Mr. DURBIN. I say to the Senator from Massachusetts, if you take a look

at this chart, this is what the Republicans want to do for those who are working for the minimum wage, for less than \$13,000 a year. They want to give them a tax cut of \$24. Two dollars a month is their response. We are trying to give them a dollar an hour increase under Senator KENNEDY's leadership in the minimum wage. Yet those at the highest level, those making over \$300,000 a year, under the Republican proposal, will see a tax break of \$23,000 a year. That is almost double what people making minimum wage are receiving in income. We are going to give that much in a tax break to those making over \$300,000.

So instead of raising the minimum wage for the millions that the Senator refers to—and the 350,000 people who get up and go to work every day in Illinois at minimum-wage jobs—we are, instead, giving a tax break to the wealthiest among us.

Mr. KENNEDY. Will the Senator respond to another question?

Is it the Senator's position—and we have been joined by the Senators from California and New York—that there is a greater priority to provide a prescription drug program for the 40 million Americans who need prescription drugs than there is to grant the \$1.3 trillion to the wealthiest individuals, that the Senator from Illinois shares the belief that we ought to be addressing that particular issue prior to the time that we give away all of these funds to some of the wealthiest individuals?

Mr. DURBIN. I agree completely.

When Senator FEINGOLD offered his amendment that said anyone with an estate over \$100 million a year will have to pay estate taxes, it was rejected by the Republicans. To think people that wealthy should not pay their taxes, while many seniors have to choose between filling their prescription drug prescriptions or filling their refrigerators with food, I think tells the difference between the two parties when it comes to helping America.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I do not know if the Senator has mentioned this, but it seems to me this Republican Congress wants to take care of the top 2 percent of income earners in this country; and as far as the other 98 percent, they don't seem to care.

Why do I say that? Because you have to look at the action. I ask the Senator to again hold up that chart. What is happening here? If you asked the average person in the higher income brackets, who is doing so well in this particular time—thanks to the policies, I would say, of the Clinton-Gore team, supported by those of us in Congress—they don't need to get back \$23,000 a year. They are doing extremely well.

Does my friend think it is time to take a little of this emotion—I watched the debate when Senator FEINGOLD of-

fered his amendment to exempt estates of any taxes up to \$100 million. I thought at least on that point our friends on the other side could join hands with us. But no, the emotion on the other side of the aisle, defending the people, the "poor" people who are worth more than \$100 million, was so powerful that I only wished we could take a tenth of that emotion and address it to the minimum wage and prescription drugs and good public education.

I wonder if my friend noted the strong emotion and feeling on the other side of the aisle when it came to defending and protecting the wealthiest in this country, rather than the 98 percent of the people who need it. Did he take note of that?

Mr. DURBIN. I say to the Senator from California, time and again, the Republican Senators here have felt the "pain" of being wealthy in America. They can feel the "pain" of those who make over \$1 million each year, over \$300,000. They don't seem to feel any pain or any sense of emotion when it comes to the working families.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Resumed

AMENDMENT NO. 3798

The PRESIDING OFFICER. The hour of 9:45 a.m. having arrived, the question now occurs on the Reed amendment No. 3798.

The Senator from Rhode Island.

Mr. REED. Mr. President, I believe my colleague, Senator GORTON, has a modification to my amendment, which I will accept. He is prepared to offer the modification to my amendment.

Mr. GORTON. Mr. President, what is the order of business? It is 9:45.

The PRESIDING OFFICER. There are 2 minutes evenly divided for explanation on the Reed amendment No. 3798.

Mr. GORTON. Mr. President, Senator REED and I have come to an accommodation, and we have a modification to his amendment.

First, I ask unanimous consent that the yeas and nays on the Reed amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3798, AS MODIFIED

Mr. GORTON. Mr. President, I send a modification to the Reed amendment to the desk, and ask unanimous consent that it be immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To increase funding for weatherization assistance grants, with an offset)

On page 182, beginning on line 9, strike "\$761,937,000" and all that follows through "\$138,000,000" on line 17 and insert

“\$763,937,000, to remain available until expended, of which \$2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account and \$2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses: *Provided*, That \$174,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$140,000,000”.

Mr. GORTON. Mr. President, this modification does make an increase in the appropriation to the amount in the House bill.

It has been a pleasure to work with Mr. REED toward a cause in which he believes and in a way which is fiscally responsible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator for his gracious cooperation. This would increase the money we are committing to the weatherization program so that we could, in fact, provide more assistance to low-income homes to weatherize their homes, both to protect themselves in the cold of winter and the heat of summer. It would also make, we hope, the Nation less dependent on foreign sources of energy. It is an excellent proposal and program.

I thank the Senator for his cooperation.

Mr. President, I yield back my time and ask for a voice vote on the measure.

Mr. GORTON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3798, as modified.

The amendment (No. 3798), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENTS NOS. 3910 AND 3911, EN BLOC

Mr. GORTON. Mr. President, I ask unanimous consent that two amendments that were inadvertently omitted from the managers' package last night be adopted at this time.

I send them to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRASSLEY, for himself and Mr. HARKIN, proposes an amendment numbered 3910.

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 3911.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

#### AMENDMENT NO. 3910

(Purpose: To direct the Secretary of the Interior to enter into a land exchange with Dubuque Barge & Fleeting Services, Inc., of Dubuque, Iowa)

On page 163, after line 23, insert the following:

#### SEC. 1. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE.

(a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the “Secretary”), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as “Dubuque”), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 30 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting in the Mississippi River island, Tract JO-4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

#### AMENDMENT NO. 3911

On page 126, line 16, strike “\$207,079,000” and insert “\$208,579,000”.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3910 and 3911), en bloc, were agreed to.

#### AMENDMENT NO. 3883

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate on the Bryan amendment.

The Senator from Nevada.

Mr. BRYAN. Mr. President, this amendment would reduce the amount of money in a program that loses the American taxpayers a great deal of money—some \$2 billion over the period of 1992 to 1997—and transfers \$15 million into a program to help prevent forest fires in those areas which interface with the urban base. So we have State and local governments and the Forest Service all needing more money for planting.

This is totally different from the amendment the distinguished Senator from New Mexico offered which deals with reducing fuels that cause fires—a

totally separate issue. This one is a winner for the American taxpayer, and it is a winner for the other people who live in those areas that can be affected by forest fires.

I urge the adoption of the amendment.

Mr. SMITH of Oregon. Mr. President, I rise today in strong opposition to the Bryan amendment which proposes to cut funding for the Forest Service's timber sale program. Unfortunately, this amendment continues to assault on the statutory principle of multiple use of public lands.

While I don't take issue with the Senator from Nevada on the question of increasing funds for fire preparedness under the U.S. Forest Service, I must vehemently disagree with the proposal that the federal timber program should be slashed by thirty million dollars. As we all know, we are dealing with finite resources under the Interior appropriations bill, and I believe the managers of the bill have achieved a proper balance under these circumstances. In addition, I must remind my colleagues that just last week we all voted to dramatically increase funds for hazardous fuels reduction with the adoption of the Domenici amendment.

Year after year, opponents of logging on public lands allege that the Forest Service timber program is a subsidy for timber companies. The fact is, however, public timber is sold at competitive auctions at market prices. This is no subsidy for timber companies. Year after year, opponents of logging on public lands also claim that the Forest Service timber program is a money loser. Of course, their figures never seem to take into account the bureaucratic and statutory requirements created by a myriad of federal land regulations or recent accounting changes that front-load certain expenses, making more sales appear below cost. Unlike many private lands, National Forest System lands are managed for multiple uses—recreation, wildlife habitat, and forest products. If anything, the fiscal arguments used by proponents of this amendment only prove that, indeed, federal regulatory mandates are quite expensive.

Ironically, this amendment is actually counterproductive for the environment as well. We have well over sixty-five million acres of the National Forest System at risk of catastrophic wildlife, disease, and insect infestation. The high fuel loads created by a century of fire suppression, and eight years of passive forest management have set up our national forests for catastrophic wildfires that threaten homes, wildlife, and watersheds. Mechanical removal through timber sales can be an efficient and economical tool to reduce these wildfire risks, and it should be available to the professional foresters of the Forest Service.

Despite its strong backing from environmental groups, the Bryan amendment will do nothing for global environmental stewardship as long as we, in the United States, continue to consume more wood products. During the assault on public lands industries under this administration, the amount of timber sold from our federal forests has dropped by nearly eighty percent. Predictably, our lumber imports have jumped by fifty percent over the same time. In other words, further cutting our domestic federal timber program may be a feel-good move for some, but it will merely serve to encourage the shift of U.S. timber consumption to forests in foreign countries. Many of these source countries do not have the rigorous environmental standards we have in the U.S.—so we should ask ourselves whose environment we are really saving with this amendment, and at what cost.

What is particularly troubling for me about this kind of attack on the timber sale program is that Oregon has some of the best forests for timber production in the world. Certainly, Oregon forests are able to regenerate this renewable resource in a much more environmentally sound way than some of the foreign forests on which we have come to depend for our wood products needs. Yet in Oregon we have seen an even steeper decline in federal timber harvests than the nation as a whole during the Clinton-Gore years—more than ninety percent. Over a hundred mills have closed in my state and thousands of family-wage jobs in rural counties have been lost. Just last month, two more wood products facilities closed—one in Dallas, Oregon and one in Wallowa, Oregon. The Bryan amendment will just exacerbate the transfer of these jobs to foreign timber producers.

Mr. President, I'm not saying that there isn't a place for environment and recreational purposes on our federal lands—there certainly is. However, I believe strongly that we must manage our federal lands in a balanced way, so that we are good stewards of the land and meet some of our human needs for timber and recreation at the same time. Unfortunately, the amendment before us is just another attempt to export jobs and timber harvests overseas at the expense of rural America. I urge my colleagues to reject the Bryan amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this is another attempt to do away with the timber program and the salvage program, and all those associated with them. If you want to do something about fires, or the safety of the forests, or the health of the forests, what you do is maintain a healthy harvest situation. In other words, it just makes a lot of sense. It is the old idea of the

Government having to own all the land. You have to harvest those trees. To take the money away from it does not get to the environmental objective that a lot of us want to get to.

I hope my colleagues will reject this amendment.

Mr. BRYAN. Might I inquire, is there any more time remaining on my side?

The PRESIDING OFFICER. There is not. The question is on agreeing to amendment No. 3883. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 207 Leg.]

#### YEAS—45

Akaka	Edwards	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Mikulski
Bingaman	Fitzgerald	Moynihan
Boxer	Graham	Reed
Breaux	Harkin	Reid
Brownback	Hollings	Robb
Bryan	Inouye	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Schumer
DeWine	Kerry	Specter
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

#### NAYS—54

Abraham	Gorton	McCain
Allard	Gramm	McConnell
Ashcroft	Grams	Murkowski
Baucus	Grassley	Murray
Bennett	Gregg	Nickles
Bond	Hagel	Roberts
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Byrd	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Johnson	Snowe
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lincoln	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Voinovich
Frist	Mack	Warner

#### NOT VOTING—1

Coverdell

The amendment (No. 3883) was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the votes in the next series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I ask unanimous consent that the Lieberman amendment be postponed and be put last on the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3884

Under the previous order, there are 2 minutes equally divided on the Nickles amendment numbered 3884.

Mr. NICKLES. Mr. President, this amendment would basically say there would be no new national monuments unless authorized by an act of Congress.

Under the Antiquities Act, this administration just this year declared 2 million acres to be national monuments.

I happen to be a fan of national monuments, but I think we should have local input. We should have the Governors say whether or not they are for it. We should have local communities testify before Congress. We should have some input. Right now, that is not happening.

Prior to the last election, the President stood at the Grand Canyon and declared 1.7 million acres in Utah a national monument. This year, he declared 2 million acres. In contrast, that compares to 86,000 acres by Presidents Nixon, Ford, Reagan, and Bush. President Johnson declared 344,000. This President has already declared 2 million acres this year.

I think Congress should have some input. We should authorize it by an act of Congress.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Nickles amendment is a historic vote. Since 1906, virtually every President of the United States has used the Antiquities Act to protect valuable, irreplaceable national treasures, such as the Grand Tetons and Olympic National Park.

With this Nickles amendment, the party of Teddy Roosevelt officially abandons its commitment to his environmental legacy. Without as much of a minute of hearings on this issue, the Nickles amendment strips the President of the authority he has had for generations to protect America's natural and national treasures. The Grand Old Party works overtime to protect the legacy of the wealthy from taxation but refuses to protect the legacies of meadows, rivers, mountains, and forests for our children.

Vote "no" on the Nickles amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask for a rollcall on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3884. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 208 Leg.]

#### YEAS—49

Abraham	Gorton	Nickles
Allard	Gramm	Roberts
Ashcroft	Grams	Santorum
Bennett	Grassley	Sessions
Bond	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Smith (OR)
Burns	Helms	Snowe
Byrd	Hutchinson	Specter
Campbell	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Mack	Voinovich
Domenici	McCain	Warner
Enzi	McConnell	
Frist	Murkowski	

#### NAYS—50

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Lugar
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Chafee, L.	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Roth
Daschle	Kerry	Sarbanes
DeWine	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

#### NOT VOTING—1

Coverdell

The amendment (No. 3884) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in a very short period of time now, we can adopt two amendments that have now been agreed to.

#### AMENDMENT NO. 3811

Mr. GORTON. Mr. President, I ask unanimous consent we now proceed to consider the Lieberman amendment No. 3811.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, the amendment has now been agreed to by all sides.

We yield back all time.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment.

The amendment (No. 3811) was agreed to.

#### AMENDMENT NO. 3887

Mr. GORTON. Mr. President, I ask unanimous consent that we now proceed to the Bingaman amendment No. 3887.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3887, AS MODIFIED

Mr. GORTON. Mr. President, an agreement has been reached on this amendment, which requires a modification. I send the modification to the Bingaman amendment to the desk and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To express the sense of the Senate regarding the protection of Indian program monies from judgment fund claims)

On page 163, after line 23, add the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) in 1990, pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (*Ramah Navajo Chapter v. Lujan*, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling \$76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of \$82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund;

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in *Ramah* resulted primarily from the non-payment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the judgment fund for the partial settlement in *Ramah* from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit Tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in *Ramah* within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

Mr. BINGAMAN. Mr. President, this amendment is intended to express the sense of the Senate that repayment of the judgment fund for the partial settlement in the *Ramah Navajo Chapter v. Lujan* case from Indian program funds within BIA and IHS would significantly reduce the funds appropriated to benefit Tribes and individual Native Americans across the country.

This unprecedented partial settlement was the result of a lawsuit filed

in 1990, pursuant to the Indian Self-Determination and Education Assistance Act against the United States, the Secretary of Interior Manuel Lujan, and others.

The Ramah Chapter of the Navajo Nation in northwest New Mexico initiated the lawsuit to recover damages for the alleged non-payment or underpayment of indirect costs, related to 638 contracts it entered into with several federal agencies.

This suit became a class action suit and currently involves over 326 class members made up of tribal contractors and tribal consortia from across the country.

In 1997, the Tenth Circuit Court of Appeals found that the tribes involved were underpaid and that several federal agencies were involved in the non-payment and underpayment of indirect costs.

Last year, the federal agencies and the plaintiffs negotiated a partial settlement totaling \$76,200,000, plus applicable interest.

This partial settlement was paid by the United States in September 1999.

Many people do not realize that Congress established a Judgment Fund to pay for legal judgments awarded to plaintiffs who sue the United States. This enables plaintiffs to be paid the amount of their judgment without having to wait for Congress to appropriate funds for each case.

Years later, in 1978, Congress passed the Contract Disputes Act and required that the Judgment Fund be reimbursed by the responsible agency after an award is paid from the judgment fund.

The problem we have today is the Department of Interior, namely the Bureau of Indian Affairs, has been billed for the entire amount of the partial settlement in the *Ramah* case. With interest, this totals approximately \$83 million.

Many tribes are concerned that if BIA has to pay back the judgment fund from available funds, Indian programs will be significantly impacted. I share their concern.

I introduced this amendment to shed some light on this issue and to encourage the federal agencies to resolve this matter in a way that does not severely impact Indian programs.

It does not seem appropriate to me that Indian program funds—funds that benefit tribes and individual Indians—should be used to pay for a lawsuit brought by tribes and tribal entities.

Because there were many agencies involved in the underpayment of the contract support costs, I believe the Secretary of Interior should work with the OMB to find the funding from within the budgets of all of the agencies involved.

Any other result would be unjust and unfair to Native Americans across the country.

I encourage my colleagues to support this sense of the Senate and I thank

Senator CAMPBELL for his leadership in this area and his support of this amendment.

Mr. CAMPBELL. Mr. President, I am pleased to join Senator BINGAMAN and others in this Sense of the Senate Resolution related to a class action lawsuit that was filed some years ago by several Indian tribes against Secretary Babbitt for failure to fully pay for contract support costs necessary for tribal contractors to carry out Federal programs and services under the Indian Self Determination and Education Assistance Act of 1975, as amended, 25 U.S.C. 450 et seq.

To fully understand this issue a little background is in order. I was the proud sponsors of S. Res. 277, commemorating the 30th anniversary of President Nixon's "Special Message to Congress on Indian Affairs" in which he laid the foundation for modern Federal Indian policy—Indian Self Determination. Built on the twin pillars of political self determination and economic self sufficiency, this policy continues to be a driving force in the economic progress some tribes are making.

The 1975 ISDEA was enacted to further this policy by authorizing Indian tribes to contract for the performance of Federal programs and services by "stepping into the shoes" of the United States.

Now, 25 years later, nearly one-half of the Bureau of Indian Affairs and Indian Health Service programs and services are subject to tribal contracts and compacts.

To facilitate these contracts, the United States is obligated to provide the administration costs—or "contract support costs"—to those tribes that carry out ISDEA contracts, just as it does to military contractors, research universities and other entities.

The Ramah Navajo Chapter v. Babbitt case resulted in a judgment of \$82 million against the U.S. to be paid from the Judgment Fund for failure to pay these contract support costs. Under the law applicable to this case, the Treasury Department may seek to have the BIA reimburse the Judgment Fund for this amount. The funds for reimbursement would come from the BIA's operating budget, resulting in manifest inequity for not only the plaintiff tribes but for all tribes who depend on BIA funds for core programs such as law enforcement, education, child care, and others.

This sense of the Senate amendment would not prevent the kind of reimbursement that the tribes and I fear, but expresses the consensus of the Senate that the agencies involved—the BIA and the IHS—should declare Indian program funds unavailable for purposes of reimbursement.

I remain hopeful that stronger language can be crafted to protect these funds, and in the interim lend my support to this amendment. I want to

commend Senator BINGAMAN for his hard work in finding a solution that does not run afoul of the budget rules and commit to working with him and others as we proceed to conference in this bill.

The PRESIDING OFFICER. Is all time yielded back on the Bingham amendment, as modified?

Mr. GORTON. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3887, as modified.

The amendment (No. 3887), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, regular order.

#### AMENDMENT NO. 3886

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on the Bond second-degree amendment No. 3886 to the Boxer amendment.

The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that Senators LINCOLN, KERREY of Nebraska, and ROBERTS be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I yield 30 seconds to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise in support of this bipartisan amendment which prevents funds from being used for the application of unapproved pesticides in areas that may be used by children and directs the Secretary of the Interior to work with EPA to ensure that pest control methods do not lead to unacceptable exposure to children.

We updated the safety standards for pesticides, with specific safety factors for children, in 1996.

This amendment allows EPA to do its job. The Boxer amendment seeks to regulate pest control products from the Senate floor, thereby ignoring the scientific tests EPA requires for pesticide registrations.

I urge Members to support the Bond second-degree amendment and to let EPA do its job of regulating and ensuring safety for all of us, including our children.

Mr. ROBERTS. Mr. President, I rise today in support of the Bond second-degree amendment to the amendment offered by my colleague from California.

I agree with the intentions of the amendment offered by the Senator from California. All of us want to protect the health of our children. However, I do not believe her amendment does this. In fact, I believe it could actually harm the health of children.

In 1996, Congress approved, nearly unanimously, the Food Quality and Protection Act. The FQPA was intended to reform pesticide tolerance and review processes dating from as far back as the 1950s. Quite simply, prior to the passage of the FQPA the standards being used to evaluate pesticides and chemicals was not in step with today's science.

Under the FQPA we tightened the review standards. Their are specific guidelines for pesticide and tolerance review by EPA. And, EPA has tightened the requirements regarding the effects of the pesticides on children. If EPA believes a chemical or pesticide could be harmful to children, it can pull, or request that a product, be pulled from the market. In fact, this has happened in several instances.

EPA should and will pull a chemical when children's and the public's health are at risk. At the same time, I want my colleagues to understand that without these pesticides we may be submitting our children to health risks associated with roaches, brown recluse spiders, ticks, mosquitoes, and other pests.

By passing the Senator from California's amendment, we may actually be tying the hands of our federal officials and keep them from protecting children from these pests.

The Bond amendment recognizes that we already have a review and approval process in place. It says that if a chemical has not been deemed safe to use around children it cannot be used by the federal agencies funded under this act. Congress has put a product review process in place. It should be followed. The Bond amendment stays the course and I urge my colleagues to support his amendment.

Mr. BOND. Mr. President, the underlying amendment circumvents the science-based process at EPA which includes explicit and stringent protections for children.

Additionally, it places children at risk by prohibiting EPA-approved products that protect our children from diseases such as asthma, encephalitis, malaria, Lyme disease, brown recluse spiders, and others.

EPA does not support this amendment, and the amendment is based on the shockingly false premise that EPA does not care enough about children to protect them as mandated by law.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have no problem with the Bond-Lincoln amendment, but it does nothing. All pesticides that are on the market today are approved by EPA. There are none that are not. This is a sham amendment to kill my underlying amendment, which already passed this Senate 84-14 when I offered it on the Department of Defense Appropriations bill.



Simply put, what we are saying is, for preventive and routine application of pesticides in national parks—where children play—don't use the most toxic pesticides, those that are identified by the EPA as known or probable carcinogens, acute nerve toxins or organophosphates, carbamates or organochlorines. EPA has identified these pesticides as those "which appear to pose the greatest risk to public health." In a June 13, 2000 letter, EPA states that it "strongly supports the goal" of my amendment.

EPA supports what we are trying to do because they have a mission, which is to protect kids. While it's true that the Food Quality Protection Act of 1996 required EPA to ensure that its standards protect children, the fact is, EPA is not implementing this provision consistent with congressional intent. EPA has only applied the "safety factor" referred to by my colleague from Arkansas in nine—just nine—of the thousands of cases it has reviewed. EPA is currently being sued because it is not enforcing this important provision.

So what we are saying is, for the preventive and routine application, do not use these highly toxic pesticides unless there is an emergency, because children are not adults—they are rapidly growing, they are rapidly changing and they are, as a result, uniquely vulnerable to these toxins.

In its report, *Pesticides in the Diets of Infants and Children*, the National Academy of Sciences tells us that children are uniquely vulnerable to the exact toxins targeted by my amendment. The NAS also tells us that current EPA standards "could result in the permanent loss of brain function [in children] if it occurred during prenatal or early childhood period of brain development."

I am voting for the Bond amendment. And I am coming right back with my first degree amendment to protect children from these dangerous pesticides.

I suggest the absence of a quorum.

Mr. BOND. I ask unanimous consent—

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3886 offered by the Senator from Missouri.

Mr. BYRD. Mr. President, what is the question on which we are voting?

The PRESIDING OFFICER. The question is on agreeing to the Bond second-degree amendment No. 3886 to the Boxer amendment.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—99

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Craig	Kerry	Specter
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voivovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wellstone
Enzi	Lott	Wyden

NOT VOTING—1

Coverdell

The amendment (No. 3886) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3912 TO AMENDMENT NO. 3885

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3912 to amendment No. 3885:

At the end of the amendment, add the following: "None of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children and pregnant women may be present."

Mrs. BOXER. Mr. President, this is an important amendment. What we are saying is, for routine pesticide spraying in our national parks where children play and pregnant women are present, that the Park Service should use the least toxic pesticides. In other words, for routine use, don't use pesticides that are known carcinogens, probable carcinogens, or that are toxic to the nervous system. These pesticides are identified by EPA as "those which pose the greatest risk to public health."

I would like to place into the RECORD a June 30, 2000 letter from EPA to my colleague Senator BOND where EPA states that fact.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,  
Washington, DC, June 30, 2000.

Hon. ROBERT SMITH,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidala before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional information, please contact me, or your staff may contact Ron Bergman at 564-3653.

Sincerely,

DIANE E. THOMPSON,  
Associate Administrator.

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgement.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effect has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances.



When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supportive changes to the amendment, or has concerns with the amendment, why was that not expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the scheduled floor consideration of the amendment. As Mr. Aiala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue.

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aiala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aiala was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aiala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views.

(7) If you were not consulted, why were you not consulted?

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aiala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) Do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgment in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA

stands ready to work with Congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mrs. BOXER. I would also like to place into the RECORD a letter from EPA stating that the agency supports the goals of my amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,

Washington, DC, June 13, 2000.

Hon. BARBARA BOXER,

U.S. Senate,

Washington, DC.

DEAR SENATOR BOXER: Thank you for the opportunity to express the views of the U.S. Environmental Protection Agency on your amendment to the appropriations bill for the Department of Defense. This amendment would prohibit the expenditure of funds for the preventative application of certain categories of hazardous pesticides in areas owned or managed by the Department of Defense, if the area may be used by children. Examples of such areas include: parks, base housing, recreation centers, and day care facilities.

The EPA strongly supports the goal of the proposed amendment to prevent unnecessary exposure of children to highly hazardous pesticides. We consider protection of children from unnecessary exposure to pesticides to be one of our highest priorities. Before EPA registers a new pesticide for any use, we evaluate its potential human health effects, including effects on children, using the best scientific data available. We conduct an extensive scientific evaluation to ensure that pesticides will not cause short-term effects, such as skin and eye irritation, or more persistent effects, such as birth defects, reproductive system disorders, and cancer.

As you know, the Food Quality Protection Act of 1996 (FQPA) directs EPA to bring the same scientific scrutiny to the review of all pesticides previously approved for food use so that we can be sure that we are providing the full measure of protection for children. Under the FQPA, the Agency has identified the pesticides which appear to pose the greatest risk to public health. These pesticides, which receive the highest priority for reassessment, include the categories identified in the Boxer-Reed amendment: organophosphate, carbamate, and organochlorine pesticides, potential human carcinogens, and neurotoxic compounds.

EPA stands ready to work with the Department of Defense and other federal agencies to design safe, effective methods of pest control that do not lead to unacceptable exposure of children to these hazardous materials.

Sincerely,

MICHAEL MCCABE,  
Acting Deputy Administrator.

Mrs. BOXER. Contrary to statements you have heard today, EPA is not opposed to my amendment.

Now, the Senate is already on record as voting for this before by a vote of 84-14. I hope we will see that type of a vote today. I just have to say this. There are scare tactics being used that say if there is an emergency, they could not use the highly toxic pesticides targeted by my amendment. Untrue. We have drawn up this amendment in such a way that only applies to the routine, preventive use. So please support us.

The children in this country are counting on us to protect them. The National Academy of Sciences has told us that children are vulnerable to the dangers posed by the pesticides targeted by my amendment. Most important, the NAS has told us that current EPA standards don't protect our children from those dangers. At a minimum, we should protect our children. Please vote aye.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I stated before that this approach proceeds on the outrageous assumption that the Clinton-Gore-Browner administration in EPA is not doing its job of regulating pesticides. Children would be placed at risk if we banned these pesticides. And contrary to what was said in the DOD debate, EPA does not support the underlying amendment.

I ask unanimous consent that a June 30 letter from EPA, which states they have not reviewed it, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,  
*Washington, DC, June 30, 2000.*

Hon. ROBERT SMITH,  
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidala before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional information, please contact me, or your staff may contact Ron Bergman at 564-3653.

Sincerely,

DIANE E. THOMPSON,  
*Associate Administrator.*

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgment.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA

is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effort has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances. When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that not expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the secluded floor consideration of the amendment. As Mr. Aidala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue.

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aidala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidala was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aidala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views.

(7) If you were not consulted, why were you not consulted.

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgement in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mr. BOND. Mr. President, there are great efforts in the EPA to protect children. They have special protections for infants and children. These products are important for sterilization of medical instruments, pest control, and other uses that are potentially beneficial to children.

I yield the remaining time to the Senator from Kansas.

Mr. ROBERTS. Mr. President, I agree with the intentions of the amendment by my distinguished friend and colleague from California.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. All of us should support Senator BOND.

Thank you very much.

The PRESIDING OFFICER. The question is on amendment No. 3912 to amendment No. 3885. The yeas and nays have been ordered. The clerk will call the roll. The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—41

Akaka	Byrd	Dodd
Bayh	Cleland	Dorgan
Bingaman	Collins	Durbin
Boxer	Conrad	Feingold
Bryan	Daschle	Feinstein

Fitzgerald  
Graham  
Harkin  
Hollings  
Inouye  
Kennedy  
Kerry  
Kohl  
Lautenberg

Leahy  
Levin  
Lieberman  
Lugar  
Mikulski  
Moynihan  
Murray  
Reed  
Reid

Robb  
Rockefeller  
Sarbanes  
Schumer  
Snowe  
Torricelli  
Wellstone  
Wyden

NAYS—58

Abraham  
Allard  
Ashcroft  
Baucus  
Bennett  
Biden  
Bond  
Breaux  
Brownback  
Bunning  
Burns  
Campbell  
Chafee, L.  
Cochran  
Craig  
Crapo  
DeWine  
Domenici  
Edwards  
Enzi

Frist  
Gorton  
Gramm  
Grams  
Grassley  
Gregg  
Hagel  
Hatch  
Helms  
Hutchinson  
Hutchison  
Inhofe  
Jeffords  
Johnson  
Kerrey  
Kyl  
Landrieu  
Lincoln  
Lott  
Mack

McCain  
McConnell  
Murkowski  
Nickles  
Roberts  
Roth  
Santorum  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)  
Specter  
Stevens  
Thomas  
Thompson  
Thurmond  
Voinovich  
Warner

NOT VOTING—1

Coverdell

The amendment (No. 3912) was rejected.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent to address the Senate for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I remind Senators that the two models of the World War II memorial that will be on The Mall are down in S-128 with people there to explain. It will come before the Fine Arts Commission this week for a final approval. Senator INOUE and I have been to see it. We urge Members to see the memorial and understand it. I think it will become a controversial subject in the near future.

AMENDMENT NO. 3885, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the underlying BOXER amendment, as amended.

The amendment (No. 3885), as amended, was agreed to.

CITY OF CRAIG, ALASKA

Mr. STEVENS. Mr. President, I would like to engage the distinguished manager of the Interior appropriations bill in a short colloquy regarding a provision of interest to me. My amendment provides an appropriation to recompense an Alaskan community for its inability to receive a municipal land entitlement under the Alaska Statehood Act and Alaska state laws.

The city of Craig is a small town located on the southern end of Prince of Wales Island in southeast Alaska. It is the only community in southeast Alaska which was unable to receive a municipal entitlement under Alaska state law. This is a result of a 20-year proc-

ess in the 1960s and 1970s by which the U.S. Forest Service and State of Alaska could not agree on the process for State selections under the Alaska Statehood Act at Craig.

In 1971, Congress passed the Alaska Native Claims Settlement Act. ANCSA authorizes the Secretary of Agriculture to work with the State "for the purpose of effecting land consolidations or to facilitate the management or development of the land. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged."

Despite this authority, the implementation of the act in southeast Alaska simply resulted in Alaska Native land selections completely surrounding Craig. Under ANCSA, these selections are not taxable or subject to condemnation unless the land is developed. As a result, Craig and its residents of about 2,500 people live on only 300 acres of privately and municipally owned land. This is insufficient as a tax base to support the community. My colleague and chairman of the Energy and Natural Resources Committee introduced S. 1797 to solve this problem. That bill which I cosponsored and which has passed the Senate unanimously would provide a land grant to Craig of approximately 4,300 acres.

However, I recently have been informed by the administration that it believes a direct monetary grant to Craig is a better way to resolve this situation. The amendment which is to be added to the bill would provide for this payment.

Mr. MURKOWSKI. Mr. President, as chairman of the Energy and Natural Resources Committee, I held a hearing on this issue and on S. 1797—that bill will provide a grant of lands. While I would be happy to have that bill passed into law, I plan to work to that end. However, to assure that Craig is not left with nothing, I would also support this solution. It is my hope that one of these two approaches can be accomplished this year.

My committee's hearing provides a clear record that Craig is in a unique position being the fastest growing city in Alaska and the regional center for Prince of Wales Island. The city fathers are struggling to keep up with the demands for services as people from all over the island move to Craig looking for work. The city submitted its financial records which showed its problems. Our committee responded with S. 1797.

Mr. GORTON. The Senator is correct that this amendment would provide for such a payment. I am happy to accept this amendment from my colleagues from Alaska.

FISH AND WILDLIFE SERVICE

Mr. LEVIN. Mr. President, I congratulate the chairman and ranking member of the Appropriations Committee for presenting the Senate with

an Interior appropriations bill which addresses so many of the Indian, natural resource, and energy issues confronting America today. I also want to reiterate my support for a program of great interest to me and my colleagues from the Great Lakes states.

The Great Lakes Fish and Wildlife Restoration Act authorizes funding for a grants program for the implementation of fish and wildlife restoration projects recommended in the Great Lakes Fishery Resources Restoration Study. Enthusiasm for this program has been high and proposals for grants have exceeded available funds. Nevertheless, the Administration has proposed discontinuation of these grants in its budget request. I thank the chairman and ranking member for recognizing the value of Great Lakes fish and wildlife restoration grants and maintaining funding for these grants at this year's \$398,000 level.

I would like to ask the distinguished ranking member if, should additional funds become available, he would consider increasing the grants funding for the Great Lakes Fish and Wildlife Restoration Program by an additional \$500,000?

Mr. BYRD. Mr. President, I want to thank the distinguished Senator from Michigan and our colleagues from the Great Lakes states for highlighting the importance of Great Lakes Fish and Wildlife Restoration grants to the chairman and myself. We are pleased to recommend continuation of this program which is so vital to the fish and wildlife of the Great Lakes. I assure the Senator that the conferees will keep this program in mind, should additional funds become available for the appropriations in this bill.

Mr. LEVIN. I thank my friend from West Virginia.

#### FUNDING FOR NATIONAL PARKS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies, I wonder if the distinguished Senator from West Virginia would answer two questions regarding funding for the National Park Service?

Mr. BYRD. I would be pleased to offer my views about this bill to my friend from Michigan.

Mr. LEVIN. I am aware that the bill before us contains funding for Operations of the National Park System in the amount of \$1,443,795,000, which is more than \$80 million above the Fiscal Year 2000 level. I am also aware that approximately \$25.6 million has been provided for increases in the base operating budgets of more than 80 parks and related sites, including increases of \$325,000 for Isle Royale National Park and \$850,000 for Keweenaw National Historic Park. I greatly appreciate that the chairman and ranking member have been able to provide these amounts. I must say to my colleagues,

though, that there is also a significant need for operating increases at other Michigan parks such as the North Country National Scenic Trail and Sleeping Bear Dunes National Lakeshore. I would like to ask the distinguished Senator from West Virginia whether such additional needs, including those above the President's request, will be considered in conference, or, in the event additional resources are not available, whether he would consider a reallocation of operational funds for Michigan parks?

Mr. BYRD. While the increases provided in the bill for base operating increases are essentially spoken for, I will certainly be mindful of the needs identified by the Senator should additional funding become available in conference.

Mr. LEVIN. I thank the Senator from West Virginia for his answer, and if he will indulge me a few moments more, I would like to also inquire about land acquisition funding for the National Park Service.

First let me say that, while the administration did not include the Sleeping Bear Dunes National Lakeshore in its Fiscal Year 2001 land acquisition request, I nevertheless appreciate your support, Senator BYRD, in obtaining \$1.1 million for acquisition of the LaPorte property. I would ask, however, if the Senator would be willing to consider in conference a second request of \$4 million for purchase of the Barratt property at Sleeping Bear Dunes should additional funds become available as the appropriations process continues?

Mr. BYRD. Again, I thank the Senator for his question. As my friend from Michigan may know, the Interior subcommittee received over 2,000 Member requests for funding for particular projects, accounts or activities. It is not an easy task, of course, to strike a satisfactory balance between the thousands of requests on the one hand, and the subcommittee's limited resources on the other. However, I am aware that the Sleeping Bear Dunes National Lakeshore is of great importance to the Senator from Michigan and the people he represents, and I was therefore pleased to be able to secure funding for the LaPorte land acquisition. I can also assure my friend that I will carefully consider his Barratt property request should additional resources become available later in the year.

Mr. LEVIN. As always, I appreciate the courtesy of the distinguished Senator from West Virginia.

#### CAT ISLAND

Mr. COCHRAN. Mr. President, as the distinguished chairman of the subcommittee may be aware, Cat Island is the last remaining private island that lies outside the Gulf Islands National Seashore. Located so close to the mainland, Cat Island has many natural and recreational resources that make it an attractive target for development.

For the past couple of years, the owners of this property have been extremely patient while working with the Mississippi delegation and the National Park Service to ensure that their property is included in the Gulf Islands National Seashore, while competing development offers have been on the table. H.R. 2541 has passed the House of Representatives, allowing the Park Service to acquire this tract. A companion bill, S. 2638, is now pending here in the Senate, where I hope it will move forward expeditiously and be enacted this year.

Because this process has taken longer than expected, it is now critical that funding for the first phase of this project be provided this year through the Land and Water Conservation Fund should the enabling legislation be enacted. There is \$2,000,000 in the House-passed Interior Appropriations bill which is a good start, but it provides well below the amount needed for Phase I of this project. In fact, the first phase will require \$10 million. Therefore, I request the chairman's assistance in working with me to fund the first phase of Cat Island, providing that additional funding be made available as the Interior appropriations bill moves toward conference.

Mr. GORTON. The report accompanying this bill reflects the willingness of the committee to consider funding for acquisition of Cat Island, Mississippi, should the enabling legislation be enacted this year. I understand the urgency of this project and the need to provide adequate funding this year. With this in mind, should additional allocations be made available for this bill as it moves through the process, I will work with the Senator to ensure that this worthy project receives our full consideration.

Mr. COCHRAN. I appreciate the Chairman's consideration of my request and his willingness to work with me both last year and this year to further this important project. I hope that the enabling legislation will be completed by the time the Interior bill reaches conference and that we can work together to make Cat Island a success this year.

#### BLACK LIQUOR GASIFICATION

Mrs. LINCOLN. Mr. President, I want to thank the distinguished gentlemen from Washington and West Virginia for their leadership in shepherding this bill through Committee and to the floor. I recognize that the Committee was faced with requests that went far beyond the Committee's budget, and I commend the leaders for successfully balancing the myriad of requests with which they were presented.

I want to bring to my colleagues' attention one particular program that I believe is worthy of additional funding in Conference. Would the Senator from West Virginia agree that encouraging the forest and paper products industry

to achieve greater energy efficiency is a worthy goal?

Mr. BYRD. Yes, I would agree that is a worthy goal.

Mrs. LINCOLN. Since we agree with that goal, I am sure the Senator shares my support for a program within the Department of Energy that will encourage the forest and paper products industry to utilize resources that are readily available on site to produce energy. By utilizing wood and bark residues and spent pulping liquor in a process called black liquor gasification, the industry could potentially improve on site electricity generation by 300%-400% over existing cogeneration systems. Given these benefits, would the Senator agree that increasing funding for the black liquor gasification program should be pursued in Conference?

Mr. BYRD. Yes, I share the Senator's support for the program and will support efforts to find additional funding for the program.

Mrs. LINCOLN. I thank the gentleman.

#### INDIAN TRUST SERVICES PROGRAMS

Mr. INOUE. Mr. President, resolving Indian trust management issues should be one of the foremost priorities of this Congress. Ever since the passage of the Dawes Act in 1887, serious problems have plagued the Federal government's trust management efforts. Due to recent congressional interest and support, the Department of the Interior has been able to make significant progress in reforming its trust management systems. Working in collaboration, the Bureau of Indian Affairs and the Office of the Special Trustee are:

Instituting a national, state of the art, trust asset management system;

Implementing a revised Trust Management Improvement Project High Level Implementation Plan; and

Instituting improvements in systems, operations, and policies that will help ensure that the Federal government meets its fiduciary obligations to Indian Tribes and individual American Indians.

The subcommittee's efforts to provide full funding for the Trust Management Improvement Project under the Office of the Special Trustee should be applauded. However, I am very concerned that the Senate mark does not fully fund the Bureau of Indian Affairs' trust services programs. All of our efforts to reform trust management could become meaningless if BIA can't sustain these reforms by providing the funding and staffing to properly manage the trust land that produces trust income, to produce accurate and timely land title information, and provide timely closing of long open estates.

I would like to work with the gentleman from Washington, Senator GORTON, and other concerned members, as the budget process continues, to provide additional resources for BIA's trust programs if funds become available.

Mr. GORTON. Mr. President, I would be pleased to work with the gentleman on that endeavor.

Mr. INOUE. I would like to thank the Chairman from Washington State for his support. I look forward to working with him to secure the resources necessary to institutionalize and maintain trust management improvements in the future.

#### RED MOUNTAIN PROJECT

Mr. CAMPBELL. Mr. President, I take this opportunity to express my support for the acquisition of Red Mountain in my home state of Colorado. This site should be preserved because of its mining history and natural beauty. I look forward to working with the chairman of the Interior Subcommittee to ensure its funding in the future.

Mr. ALLARD. I would like to engage the chairman briefly on an important Land and Water Conservation project in my state of Colorado called the Red Mountain project. Specifically, the first phase of the project owned by Idarado Mining Co.

Mr. GORTON. I would be happy to oblige the Senator.

Mr. ALLARD. The Red Mountain project, located in the communities of Silverton and Ouray Colorado, is a top priority for the U.S. Forest Service this year.

Red Mountain is a 10,500 acre site that is one of the most nationally renowned scenic and historic resources in Southwestern Colorado. Before the Silver Crash in 1893, Red Mountain was a vibrant mining town, home to thousands of miners and their families, living in four communities and working dozens of rich silver mines. Today, the remnants of this community have been designated by Ouray and San Juan Counties as a historical landmark, and just named one of the National Trust for Historic Preservation's 11 most endangered sites in America. In addition, Red Mountain contains extensive habitat for endangered species as well as other sensitive species. The area offers an abundance of recreation opportunities to one million visitors annually—from hiking, biking and four-wheel driving to cross country skiing and mountaineering.

As you may know, this year although the Forest Service recommended \$10 million in its FY01 budget for a Colorado project called Silver Mountain, we have received correspondence from the Forest Service indicating that this project is no longer viable. In addition, the U.S. Forest Service has further indicated that the Red Mountain project is a top priority for funding this year. Therefore, I urge you to consider allocating the \$10 million from the Silver Mountain project to the Red Mountain project as the Interior bill moved toward conference.

Mr. GORTON. Unfortunately, due to our subcommittee's allocation, there

was not enough room in the Senate mark to cover many good Land and Water Conservation Fund projects. As the bill moves forward, if there is an opportunity to reconsider this project, I will make every effort to do so especially given the unusual circumstance surrounding the FY01 US Forest Service budget request. With the budget flexibility provided by the Forest Service in its recent correspondence, I feel confident that this will help the Red Mountain project as the bill moves forward.

Mr. ALLARD. I sincerely appreciate the Chairman's consideration of my request and understand the predicament he was in with respect to his allocation. Given the immediate needs of this project, I appreciate the Chairman is willing to work with me to find ways to fund the first phase of the Red Mountain project this year.

Mr. GORTON. I will continue to work with you toward that end.

#### LINCOLN PRESIDENTIAL LIBRARY

Mr. FITZGERALD. Mr. President, I would like to take this opportunity to ask the Chairman of the Interior Appropriations Subcommittee about the Abraham Lincoln Presidential Library that is planned for construction in Springfield, Illinois.

Currently, the Nation is without an institution that honors the legacy of one of our greatest Presidents, Abraham Lincoln. The Lincoln Library would serve as museum and interpretive center, allowing visitors and scholars to learn about the events that shaped Lincoln's life and the contributions that he made to the history of our country.

Mr. DURBIN. I join my colleague from Illinois in recognizing the need for a Lincoln Library. Twelve Presidents, as well as Confederate leader Jefferson Davis, currently have presidential libraries. Abraham Lincoln, as the man who preserved the Union, truly deserves such an institution where people from around the world can learn about his great achievements.

This project enjoys tremendous support at the federal, state, and local levels. The entire Illinois Congressional Delegation, the Illinois General Assembly, and City of Springfield have all expressed their strong support for this library to be completed. The State of Illinois has contributed \$50 million, and the City of Springfield \$10 million, to begin construction on the interpretive center. In addition, the Lincoln Library received \$3 million from the FY 2000 Interior Appropriations Bill. While these federal funds are greatly appreciated, we need a stronger federal commitment to make sure construction of the Library can get underway. I would like to ask the Senator from Washington if there is any possibility to receive increased funding from the FY 2001 Interior Appropriations Bill for this important endeavor.

Mr. GORTON. I understand the importance of the Abraham Lincoln Presidential Library to my colleagues from Illinois, their constituents, and the nation. While the Lincoln Library is an important project, the Interior Appropriations Subcommittee has received many important requests, for Fiscal Year 2001, that have received precedence, due to the fact that they have been authorized.

The Lincoln Library project is a worthy project, and if the project receives authorization, the Committee will again review the project and give it strong consideration.

Mr. BYRD. I agree with the Chairman of the Subcommittee.

#### SECTION 326 OF HR 4578

Mr. KERRY. Mr. President, I would like to clarify for the record the intent of language included in Section 326 of the Interior Appropriation fiscal year 2001 bill. I want to point out that interagency coordination of Federal resources is desirable and certainly something many of us have been supporting as a way to eliminate wasteful bureaucratic redundancies. We don't want to spend money in Washington duplicating positions and processes. We want money in the field helping local communities. The language in Section 326 refers to the American Heritage Rivers Initiative, which is coordinated by an interagency committee that serves that purpose for communities seeking technical assistance and opportunities for Federal grants. I would like to point out that this initiative has proven to work well for the participating communities in my state and others.

It is my understanding that this language does not prohibit Federal agencies funded through this appropriation from working on or coordinating with each other to support American Heritage Rivers projects. Further, I understand that this language does prohibit the use of resources derived from this bill for funding personnel, training or administration of the activities of the Council on Environmental Quality.

Mr. L. CHAFEE. The Senator is correct. This language does not prohibit coordination by Federal agencies funded in the bill. It also is not intended to penalize or disadvantage communities that seek or apply for grants from agencies funded on the bill. Section 326 is limited to prohibiting funding transfers for the Council on Environmental Quality or the Executive Office of the President. Would the Chairman and the Ranking Member agree with this interpretation?

Mr. GORTON. Yes.

Mr. BYRD. Yes.

#### COLLABORATIVE FOREST RESTORATION

Mr. BINGAMAN. Mr. President, I would like to take this opportunity to engage Senator DOMENICI, Senator GORTON, and Senator BYRD in a brief colloquy at this time.

Mr. DOMENICI. Of course.

Mr. BINGAMAN. I would like to clarify that it is your intent that \$5 million of the emergency funds available through amendment 3782 will be used to implement the Collaborative Forest Restoration Program in New Mexico. This program will be authorized by a bill, S. 1288, that Senator DOMENICI and I introduced together. It already passed the Senate last November and will be considered by the full House Resources Committee next week. This program creates a mechanism through which people with varied interests will be able to work cooperatively with the Forest Service to conduct forest restoration and value-added projects. Improving communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds can assist us in our efforts to address the problem posed by communities at risk from catastrophic wildfire.

Mr. DOMENICI. Yes, that is correct. However, I would note that the emergency needs for on-the-ground work on fuel reduction in New Mexico are very great. I understand that the agencies could use more than \$50 million in emergency dollars for projects ready to go in New Mexico by the end of the year. The Collaborative Forest Restoration Program will help promote additional projects for fuel reduction. Considering the terrible toll fires have taken in the state, I hope our federal land management agencies will use as much as possible in this emergency funding to decrease the risk in New Mexico urban-wildland interface communities.

Mr. GORTON. That is my understanding as well.

Mr. BYRD. Yes, I agree with you that \$5 million of the emergency funds will be used to implement the Collaborative Forest Restoration Program.

Mr. BINGAMAN. Thank you all for the clarification.

#### SAINT CROIX ISLAND

Ms. COLLINS. Mr. President, the year 2004 will mark the 400th anniversary of a small French settlement on Saint Croix Island, located in the Saint Croix River, which forms the boundary between the State of Maine and Canada. The 1604 settlement was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia. Many view the expedition that settled on the Island as the beginning of the Acadian culture in North America.

Mr. GORTON. I am aware of the historical significance of the 1604 settlement of Saint Croix Island and would note that the Island is the only international historic site in the National Park System.

Ms. COLLINS. I want to thank you for your invaluable support of efforts

to commemorate the Saint Croix Island site. Last year's Interior Appropriations bill included my sense-of-the-Senate language that the National Park Service should take what steps are necessary to ensure that appropriate exhibits are completed by 2004. This year's Appropriations Committee mark includes \$200,000 in the U.S. Fish and Wildlife Service construction budget to assist with the Downeast Heritage Center. The Center, which we will make every effort to complete in time for the 2004 celebration, will allow state and federal agencies and other partners in the project to interpret the French settlement efforts at Saint Croix Island and other historical, recreational, and cultural aspects of Downeast Maine.

Mr. GORTON. I have been pleased to support your efforts to commemorate the Saint Croix Island settlement, including your work on the Downeast Heritage Center. I would note that the National Park Service is scheduled to undertake major improvements to its site at Red Beach beginning in fiscal year 2002. I support this effort as well.

Ms. COLLINS. A major, international celebration is expected to commemorate the Saint Croix Island settlement's 400th anniversary. Pursuant to a memorandum of understanding signed by the U.S. Department of the Interior and the Canadian Department of the Environment, Parks Canada has worked diligently to prepare for the event. I am concerned that we have not been as enterprising and now face the very real possibility of being less than fully prepared for the 2004 celebration. Indeed, the National Park Service has informed me that it requires planning money in fiscal year 2001 in order to ensure that the Downeast Heritage Center will be completed in time. I have introduced authorizing legislation, S. 2485, that would permit the National Park Service to join with other public and private entities to construct the Center. That bill has been reported out of the Senate Committee on Energy and Natural Resources. I have every hope that the bill will become law this year. Mr. Chairman, as the FY 2001 Interior Appropriations bill goes to conference, I would ask that you do what you can to add \$340,000 to the National Park Service construction budget so that it can assist this year in the planning of the Downeast Heritage Center with an eye to its completion by 2004.

Mr. GORTON. I want to thank the Senator from Maine for again bringing this matter to my attention. I understand the importance of this matter to the State of Maine and to a much broader, international community. I also understand the importance of providing funds soon enough to allow completion of the Downeast Heritage Center in time for the 2004 commemoration. I will be pleased to do what I can



to see that your request is considered fully in conference.

Ms. COLLINS. I want to thank my good friend again. I know he, in particular, appreciates the value of preserving our nation's history and its cultural heritage.

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies.

I want to express my support for the American Heritage Rivers Initiative. This bill contains a provision that prohibits funds in the Act from being given to or used to provide support for the Executive Office of the President in coordinating the American Heritage Rivers. It also prevents the Council on Environmental Quality from receiving funds and support to coordinate and oversee the initiative.

The American Heritage Rivers Initiative, which redirects federal resources without new spending, has greatly improved the Detroit River, a designated American Heritage River, through shoreline development and protection of wetlands. In the ten months that the River Navigator for the Greater Detroit American Heritage River has been in operation, over \$1 million has been acquired for Detroit River projects. This program also assists communities in the use of Federal resources to help communities revitalize parks—to help celebrate their history and their heritage.

This initiative needs our support and full participation and I strongly oppose any language which would put this program in jeopardy.

#### NATIONAL PARK SNOWMOBILE BAN

Mr. CRAIG. Mr. President, I rise to express my concern over this egregious and unjustified action by the Department of the Interior that will have severe negative economic consequences on citizens and communities in Idaho and many other states around the country. The Department has announced that it intends to ban recreational snowmobile use in virtually every national park that now allows them, although snowmobiles have been an established use in these parks for more than four decades. This announcement was made by Interior Assistant Secretary Don Barry on April 27th in an orchestrated press conference that amounted to a public lynching of the snowmobile community. This new policy was made without consultation with Congress, the snowmobile manufacturers, the nearly four million snowmobile users, or with the many gateway communities to the national parks that are dependent on business generated by snowmobile visitors. Although Assistant Secretary Barry claimed that this ban is necessary because of air pollution, noise and wildlife disturbance caused by snowmobiles, the truth is that there is simply no evidence that snowmobiles

cause such harm. In fact, in a shocking admission before the U.S. Senate Energy and Natural Resources Committee Mr. Barry conceded that snowmobiles had never been found in violation of any environmental standard in any national park. I understand Mr. Barry has since left the Department to be employed by the Wilderness Society, an organization that has actively advocated the exclusion of snowmobiles from national parks.

The major snowmobile manufacturers have made great progress in producing machines that are cleaner and quieter than ever before. The manufacturers, the snowmobile users and the gateway communities are willing to work with the Department of the Interior to develop reasonable plans and programs to achieve agreed to environmental goals. I believe this is the best course for the Department to follow.

I bow to no one in my love for our majestic national parks. I fully support reasonable and reasoned efforts to protect and preserve them. But to ban snowmobiles completely in the national parks is totally unnecessary. It is an abuse of bureaucratic power, and it is the duty of Congress to uphold the law and prevent this from taking place.

I feel it is important for all to understand that snow machines do not run roughshod over the national parks as has been stated on the floor. Travelways are designated and adhered to. The issue of where snowmachines travel is a matter of management by the park service, not of whether or not they should be in our national parks. I ask unanimous consent that a letter from Dr. Lori Fussell that explains a number of misconceptions on pollution from snowmobiles be printed in the RECORD to clarify several of these issues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL ENGINEERING &  
RESEARCH,  
Wilson, WY, June 5, 2000.

Hon. JAMES V. HANSEN,  
*Chairman, Subcommittee on National Parks and Public Lands,*  
*House of Representatives, Washington, DC.*

COMMENTS ON TESTIMONY GIVEN AT THE MAY 25, 2000 HEARING HELD BY UNITED STATES HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, REGARDING SNOWMOBILE USE IN NATIONAL PARKS

I am writing to you today because I have had the opportunity to read through some of the testimony offered at the May 25, 2000 hearing held by the U.S. House of Representatives' Subcommittee on National Parks and Public Lands regarding snowmobile use in National Parks. And, in my expert opinion, some of the testimony regarding pollution from snowmobiles was incorrect or misleading. I feel a need, in the interest of good science, to providing information to the Subcommittee to correct these errors.

Before I go into details, let me make several points about the information contained

in this letter. First, the intent of this letter is simply to correct misinformation that was presented to the Subcommittee. I am not being paid by any organization to submit my opinion to you and I have no personal interest in the outcome of the hearings. I am not a snowmobiler and do not particularly care for snowmobiles as they presently exist. In fact, I was the first person to publish any scientific research on exposure to snowmobile pollution and believe very strongly that actions must be taken to significantly reduce snowmobile emissions in our National Parks. Human exposure to snowmobile pollution in Yellowstone National Park (YNP), in particular, is unacceptable. However, I believe just as strongly that decisions about emissions are reduced (visitor limits, technological improvements, and/or banning snowmobiles) should be based on accurate information.

Second, I do not in any way want to imply that the testimony given to the Subcommittee by any individual or organization was intentionally incorrect or misleading. There is a lot of information circulating about pollution from snowmobiles. It is difficult to separate fact from fiction.

Third, I have established myself as an expert in the field of snowmobile emissions. I have attached my Curriculum Vitae to this letter as documentation of my credentials and will be happy to provide further documentation of my experience in this area. My comments will be limited to the information presented regarding snowmobile pollution. I do not have the expertise necessary to comment as an "expert" on any other issue regarding snowmobile use in the National Parks.

Fourth, I do not have access to all of the testimony given at the hearings. I only have copies of the statements prepared by the following individuals: Michael Scott, Kevin Collins, Sean Smith, Mark Simonich, Donald Barry, Kim Rapp, Michael Forsman, Jerry Johnson, and Teri Manning. Therefore, my comments are limited to the testimony offered by these individuals. While I can not comment on any information presented by any other individual at this time, I would be happy to do so if this information were provided to me.

The rest of this letter will simply outline information related to pollution from snowmobiles contained in the above testimonies that I find requires clarification or correction. In each case, I will list direct quotes from testimonies in italics. I will then reference the specific testimony in parenthesis at the end of the quote. My response and explanation will follow.

#### I. TESTIMONY

*"Carbon monoxide levels in the (Yellowstone) park currently exceed National Ambient Air Quality Standards and will continue to be exceeded unless snowmobiles are removed."* Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

*"It is their position (the Wyoming Department of Environmental Quality) that there have been no documented violations of the Clean Air Act within Yellowstone National Park. Not Ever."* (Testimony of Kim Raap, Manager, Wyoming State Trails Association)

*"The DEIS issued by the Park Service confuses data collected for personal exposure measurements (50 ppm) to the ambient air quality standards. The Montana Ambient Air Quality Standard (MAAQS) 1 hour-maximum CO standard is 23 ppm as monitored according to the standard. Let me clearly state, air quality standards, both federal and the more stringent Montana standards, have not been exceeded in*



*Yellowstone National Park. The DEIS incorrectly states that this happened. While air quality did reach 90% of the Montana standard last winter, the standard was not exceeded.*" (Testimony of Mark Simonich, Director, Montana Department of Environmental Quality)

#### Response

The testimony given by the Greater Yellowstone Coalition (GYC) clearly contradicts the testimony of the Wyoming State Trails Association (WSTA) and the Montana Department of Environmental Quality (MDEQ). Who is correct? WSTA and MDEQ are correct. There is no data to support the claim that ambient air in Yellowstone National Park (YNP) is violating National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO).

So, if NAAQS have not been violated in YNP, what is the problem with emissions from snowmobiles in YNP? The problem is that research conducted by both the National Park Service (NPS) and me have shown that YNP employees and snowmobilers can be exposed to high levels of CO. And, since the presence of CO indicates a probable presence of hydrocarbon emissions, the potential exists for significant air toxic exposure as well.

NOTE: A comprehensive study of employees and visitor exposure to pollution from snowmobiles is due to be published by Dr. Norm Kado of the University of California at Davis in the upcoming months. The information contained in this report is not currently available to the public.

#### Explanation

The NAAQS for CO is 35 parts per million (ppm) for a one-hour sampling period and 9 ppm for an eight-hour sampling period. (The state of Montana one-hour CO standard is 23 ppm, stricter than the federal standard.) A violation of NAAQS is recorded if the standard is exceeded more than once in a year.

In order for data to be used to determine compliance with NAAQS, it must be collected according to standardized sampling methods outline in The Code of Federal Regulations, Title 40, Parts 53 and 58. Sampling locations must meet proper siting criteria in order to assure that the data is representative of ambient air. The sampling criteria include placing the sampling probe at a height of approximately ten feet and at a distance of at least seven to thirty feet from the edge of the nearest traffic lane. Additionally, the probe must be at least 33 feet from the nearest intersection.

There is currently a properly sited and maintained CO monitor located at the West Entrance to Yellowstone National Park, operated by the Montana Department of Environmental Quality (MDEQ). And, while relatively high CO measurements have been recorded by the MDEQ, they have never exceeded the national or Montana standards.

So, why do some organizations believe that NAAQS have been exceeded in Yellowstone National Park? The MDEQ testimony explains this. Many organizations continue to confuse data taken to determine personal exposure to snowmobile pollution with data taken to determine degradation of ambient air.

CO samples have been taken by the park service (on the roadway) at the West entrance to Yellowstone National Park (YNP) and on the road between West Yellowstone and Old Faithful. I have personally taken CO samples on the roadway at Flagg Ranch, the south entrance to YNP. CO concentrations collected on these roadways have reached levels in excess of 35 ppm for a 1-hour time period. However, data collected on a roadway should not and can not be interpreted as in-

dicative of overall ambient air quality. It is only indicative of personal exposure. It can not be used to determine compliance with NAAQS.

#### 2. TESTIMONY

*"The highest carbon monoxide levels in the nation were recorded at Yellowstone's West Entrance during winters in the 1990s."* (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Response

This statement is false.

#### Explanation

As mentioned in the explanation of Testimony #1, the MDEQ operates properly sited and maintained CO monitoring station at the West Entrance of YNP. And, no state or federal standards for CO have ever been exceeded at this location. The location is classified by the Environmental protection agency (EPA) as "in attainment".

As of August 10, 1999 the Environmental Protection Agency lists 20 areas in the United States as Nonattainment areas for CO pollution (this information can be found in the EPA Green Book at <http://www.epa.gov/oar/oaqps/greenbk/cnsum.html>). These areas of the United States clearly have a larger CO problem than does the West Entrance of Yellowstone National Park.

NOTE: Perhaps this testimony refers to exposure data taken at the West Entrance of Yellowstone. If so, this testimony would still be false. There are instances of CO exposures nationwide that exceed the CO exposure concentrations measured at West Yellowstone and Flagg Ranch. In his text, *Automobiles and Pollution* (Published by the Society of Automotive Engineers, 1995), Paul Degobert states that "up to 250 ppm of CO can be found inside passenger compartments" of automobiles. Again, I must stress that is not appropriate to compare NAAQS data to exposure data.

#### 3. TESTIMONY

*"One snowmobile emits 225 times more carbon monoxide than an automobile. One snowmobile emits 1000 times more hydrocarbons than an automobile."* (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Response

This statement is false.

#### Explanation

In February of this year, the National Park Service Air Resources Division (NPS ARD) issued a report titled, "air Quality Concerns Related to Snowmobile Usage in National Parks." Of this report, the Greater Yellowstone Coalition (GYC) writes:

*"The final report was checked and validated by scientists involved in the original research. That review, combined with the depth and breadth of the studies (they began in 1995 and covered emissions, ambient levels of pollutants, deposition of pollutants in the snowpack, human exposure and more) make the report the most comprehensive and credible assessment of Yellowstone's air pollution to date."* (GYC website, 6/2/00, <http://hosts2.in-tch.com/www.greateryellowstone.org/winteruse.html>)

I agree with the GYC assessment of the February 2000 NPS ARD report.

The NPS ARD report estimates that "a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles." These NPS ARD estimates are significantly different than the estimates in the above GYC testimony.

#### 4. TESTIMONY

*"These (two-stroke) engines create dangerous levels of airborne toxins including nitrogen oxides, carbon monoxide, ozone, particulate matter, aldehydes, 1,3 butadiene, and extremely persistent polycyclic aromatic hydrocarbons (PAHs)."* (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

*"Nitrogen Oxides (NO<sub>x</sub>) and hydrocarbon emissions from snowmobile two-cycle engines are also a major concern due to their contribution to ground level ozone."* (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

#### Response

While most of the pollutants listed above are emitted from two-stroke engines, oxides of nitrogen (NO<sub>x</sub>) and ozone are not pollutants of concern with respect to snowmobile emissions.

#### Explanation

- Two-cycle engines (including those used by snowmobiles) emit less NO<sub>x</sub> than four-stroke engines (including those used by automobiles).

The February 2000 NPS ARD report estimates that only 2% of the NO<sub>x</sub> pollution in YNP comes from snowmobile engines (with the remainder of the NO<sub>x</sub> pollution coming from automobiles, busses, snow coaches, and recreational vehicles). Although the NPS ARD report does not compare the NO<sub>x</sub> emissions from an automobile to the NO<sub>x</sub> emissions from a snowmobile, it does contain the data necessary to make this comparison. I did the calculations (using the same methodology used in the NPS ARD report to compare automobile and snowmobile CO and UHC emissions) and came up with the following: one automobile emits 1.5 to 6.8 times as much NO<sub>x</sub> as one snowmobile.

Low NO<sub>x</sub> emissions from snowmobile engines are confirmed by emission data taken at the South West Research Institute (summarized in the NPS ARD report) and also by snowpack chemistry analysis performed by George Ingersoll of the United States Geological Survey. Ingersoll's paper titled, "Snowpack Chemistry as an Indicator of Pollutant Emission Levels from Motorized Winter Vehicles in Yellowstone National Park" (published at the Western Snow Conference in 1997) concludes "that regional activities—not local snowmachine traffic—seem to be controlling nitrate deposition."

- Ozone, as the Bluewater Network testimony correctly states, is not emitted by snowmobiles. Ozone is formed via a photochemical reaction between NO<sub>x</sub> and volatile organic compounds (VOCs are a specific class of unburned hydrocarbons). While snowmobiles do emit a significant amount of VOCs, NO<sub>x</sub> emissions from snowmobiles are minimal (as explained previously).

Even when NO<sub>x</sub> are present in significant amounts in areas frequented by snowmobiles (from regional sources) the cold temperatures in which snowmobiles operate are not conducive to ozone formation. "Strong sunlight and hot weather cause ground-level ozone to form in harmful concentrations in the air" (from *Ozone: Good Up High, Bad Nearby*, EPA/451K-97-002, October 1997). Snowmobiles operate at temperatures near freezing and below.

For the reasons listed above, significant ozone formation due to pollution from snowmobiles is not a potential problem.

#### 5. TESTIMONY

*"Recent tests conducted by the South West Research Institute confirm that the two stroke engines of snowmobiles emit hundreds of times*

more pollution than a modern automobile.” (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

#### Response

This statement can not be substantiated. The Southwest Research Institute (SwRI) has not published the statistic cited.

#### Explanation

The SwRI reports cited above only contain data on snowmobile engine emissions. They do not contain a comparison of snowmobile and automobile emissions.

In order to make the comparison between snowmobiles and automobiles, one must make a series of assumptions regarding snowmobile and automobile usage. The results of the comparison are highly dependent upon the assumptions made.

The best estimates available that compare snowmobile and automobile emissions are contained in the February 2000 NPS ARD report. The NPS ARD report bases its calculations on the SwRI data. As I stated before, the report estimates “a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles.” Additionally, NO<sub>x</sub> emissions from automobiles are 1.5 to 6.8 times greater than NO<sub>x</sub> emissions from snowmobiles.

#### 6. TESTIMONY

“Given current levels of snowmobile use in Yellowstone National Park, this (discharge of 25–30% of the fuel mixture from a snowmobile engine) translates into the equivalent of five tanker truck loads of gasoline being dumped along park roads each winter.” (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

“Snowmobile emissions are deposited directly onto the snowpack of the parks. This snowpack pollution translates directly into pollution of the parks’ waters as the snow melts. Snowmobiles each year emit the equivalent of five tanker truck loads onto the snowpack of Yellowstone.” (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

About 5000 gallons of gasoline and 250 quarts of 2 cycle oil was spilled by National Park Service snowmobiles alone.” (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Response

It is ludicrous to compare potential water quality impacts from snowmobile emissions to the catastrophic environmental devastation associated with a tanker spill.

#### Explanation

The fate and transport of pollutants in the environment is a very complex field of study. However, it does not take a scientist to realize that if most of the unburned fuel and oil from snowmobiles is emitted in gaseous form (as air pollution), the total hydrocarbon pollution emitted by snowmobiles in YNP will not be found in the snowpack.

Only a percentage of the total snowmobile hydrocarbon pollution is deposited onto the snowpack. George Ingersoll (“Effects of snowmobile Use on Snowpack Chemistry in Yellowstone National Park”, United States Geological Survey, 1998, Water Resources Investigations Report 99-4148) has measured elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels “were lower, in general, than concentrations at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban.”

In his 1998 investigation, Ingersoll also performed a preliminary analysis of snowmelt runoff in YNP. He concluded that “snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health.” He also concluded that “localized, episodic acidification of aquatic ecosystems in these high snowmobile-traffic areas may be possible, but verification will require more detailed chemical analyses of snowmelt runoff.”

Bottom line, the data shows some percentage of snowmobile hydrocarbon emissions (the unburned fuel and oil) ends up in snowpack along roadways. And, some percentage of this snowpack pollution will later be found in the snowmelt (most volatile organic compounds will tend to volatilize into the gaseous phase during the spring melt-off). To date, no data has been collected that shows snowmelt pollution from snowmobiles at concentrations likely to threaten human or ecosystem health. Only a potential for localized, episodic acidification has been reported in the scientific literature. Clearly, this potential, localized, episodic acidification does not pose the same environmental risk as that of a tanker spill in Park waters.

NOTE: I am aware that a more detailed investigation of water quality impacts from snowmobiles was undertaken over the winter of 1999–2000 in YNP. The results of this study may provide new information regarding water quality impacts from snowmobiles. However, a report on this research has not yet been published and I do not have access to the raw data.

#### 7. TESTIMONY

“The components of snowpack pollution from snowmobile emissions can include toxic compounds such as MTBE (a fuel additive), and polycyclic aromatic hydrocarbons (PAHs) such as benzene, xylene, toluene, and formaldehyde.” (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Responses

This is a true statement, but it requires clarification for proper perspective.

#### Explanation

The components of snowpack pollution from snowmobile emissions can include the toxic compounds listed above. However, the mere presence of a pollutant does not indicate environmental degradation. The pollutant must also be present at concentrations that are high enough to be of concern (even oxygen can be considered a toxic compound at high concentrations . . . but it does no harm to us at lower concentrations). As described in the explanation for Testimony #6, George Ingersoll (“Effects of Snowmobile Use on Snowpack Chemistry in Yellowstone National Park”, United States Geological Survey, 1998, Water Resources Investigations Report 99-4148) did find elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels “were lower, in general, than concentration at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban.” And his preliminary research found that “snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health.” So, despite the fact that these compounds can appear in the snowpack, they have not yet been found in

high enough concentrations to cause concern.

#### 8. TESTIMONY

“Unburned fuel (emitted by snowmobiles) contains many toxic compounds including benzene, toluene, xylene, and the extremely persistent suspected human carcinogen MTBE (methyl tertiary butyl ether).” (Testimony of Michael D. Scott, Program Director, the Greater Yellowstone Coalition)

“Contaminants released by two-stroke snowmobile engines include polycyclic aromatic hydrocarbons (PAH) and methyl tertiary butyl ether (MTBE).” (Testimony of Kevin Collins, Legislative Representative, National Parks and Conservation Association)

#### Response

These are true statements, but they require clarification for proper perspective.

#### Explanation

Methyl tertiary butyl ether (MTBE) is a fuel additive that is required in many areas to increase the oxygen content in fuels. This is done in an effort to reduce hydrocarbon and carbon monoxide pollution from automobiles and other mobile sources. MTBE is also added to fuels (in smaller concentrations) by some refineries to boost octane rating. MTBE can only be emitted by snowmobiles if the fuel they are burning contains MTBE as an additive. Snowmobile engines do not “manufacture” MTBE.

The Minnesota Pollution Control Agency issued a press release on January 18, 2000 that states “gasoline in Minnesota does not contain MTBE as an additive”. Therefore snowmobiles in Minnesota (the site of Voyageurs National Park) do not emit MTBE as a pollutant.

None of the other states with significant National Park snowmobile usage (Michigan-Pictured Rocks, Montana-Yellowstone, and Wyoming-Grand Teton and Yellowstone) require the use of MTBE as an oxygenate in fuel. Fuels in these states are oxygenated with ethanol, if oxygenated fuels are being used to curb air pollution (as in West Yellowstone, Montana). However, the states of Michigan, Wyoming, and Montana do allow the use of MTBE as an octane booster. Therefore, it is probable that some percentage of the fuel sold in these states does contain MTBE.

A fact sheet on MTBE from the Michigan Department of Environmental Quality (available at <http://www.deq.state.mi.us/std.mtbe.html>) reports that a 1998 survey of Michigan fuel revealed that five percent of the fuel sampled in Michigan contained MTBE. I have not located any statistics on the amount of MTBE added as an octane booster to Montana and Wyoming.

NOTE: MTBE has been detected in the snowpack along snowmobile traffic corridors in Yellowstone National Park (George Ingersoll, 1998 study previously cited), indicating that some of the fuel sold in Montana and Wyoming does, in fact, contain MTBE concentrations found in the snowpack were not high enough to cause concern.

#### 9. TESTIMONY

“While we are fully supportive of the development of cleaner and quieter (snowmobile) technology, to date, there are no definitive, comprehensive studies which document the degree to which four-stroke engines will mitigate the adverse impact that snowmobiles have on our parks.” (Testimony of Donald J. Barry, Assistant Secretary, Fish Wildlife and Parks, Department of the Interior)

#### Response

This is a true statement. However, in September of this year I will be publishing information about snowmobile emission and noise reductions that were attained with the use of

a four-stroke engine. The information is summarized below.

*Explanation*

As the organizer and co-founder of the Society of Automotive Engineers Clean Snowmobile Challenge 2000 (a non-partisan student design competition to improve snowmobile emissions and noise) I offer the following results as a glimpse at what is possible in a short amount of time, using existing technology. In doing so, I do not attempt to define what emissions or noise levels are appropriate in National Parks. I am simply reporting what has been documented as an easily implemented improvement over the status-quo.

The University at Buffalo, State University of New York, won the SAE CSC2000 with a four-stroke snowmobile that was designed and manufactured in less than 5 months by a team of undergraduate engineering students. When compared to a traditional two-stroke snowmobile, the four stroke entry reduced hydrocarbon emissions by more than 99.5% (NOTE: We could not detect the snowmobile's hydrocarbon emissions. The 99.5% reduction cited represents the limit of detectability of the test method). Carbon monoxide emissions were reduced by 46%. Fuel economy was increased to 27.6 miles per gallon (a 226% improvement). The sound level (measured 50 feet from the road at wide open throttle) measured just 66.8 dbA. This sound level reduction corresponds to an 80-90% reduction in the distance snowmobiles can currently be heard in National Parks.

Detailed information on the SAE CSC2000 is currently available on the competition website at: <http://www.sae.org/students/snow.htm>. The results will also be available in a peer-reviewed paper I am writing, scheduled for publication on September 11, 2000.

Thank you, Representative Hansen, for the time you have taken to read this lengthy letter. I will be happy to answer any questions you or other Subcommittee members might have and provide further documentation of the facts contained in this letter.

Sincerely,

LORI M. FUSSELL.

SNOWMOBILING IN NATIONAL PARKS

Mr. JOHNSON. Mr. President, I rise today to join my colleagues in this important discussion concerning the National Park Service's recent proposal to substantially curb recreational snowmobile use within the national park system.

I believe that virtually everyone can agree that snowmobile use in national parks must be carefully managed in a manner which balances legitimate recreational needs with a concern for public safety and environmental protection. Nobody argues that snowmobiles should be allowed in every area of every park and without regard for noise, speed or numbers. But at the same time, snowmobiling is a recreational option that should not be totally banned or limited in an unreasonable manner.

I appreciate that the National Park Service has now "clarified" its earlier statements which created the impression that an across-the-board ban on snowmobiles in all parts of all parks was about to be established. The Park Service tells us that rather than a ban, it wants to curtail snowmobile use on park lands.

I will follow this new approach carefully. Again, few South Dakotans have objections to reasonable rules designed to protect the environment, protect wildlife habitat and address issues of noise, safety and numbers. But regulations to properly address these matters do not require a total ban or draconian limitations on snowmobile use. I will urge the National Park Service to listen to all segments of the American public in a careful, thoughtful manner and seek to strike a sensible balance that will protect our natural heritage but also allow for reasonable and well-managed winter recreation opportunities for all our citizens. It certainly would be better for the National Park Service to administratively arrive at balanced final rules, than to necessitate legislative action on the part of Congress. If legislation is ultimately required on this matter, I will work with both my House and Senate colleagues in a bipartisan manner to secure a balanced final resolution of this issue.

Mr. DOMENICI. Mr. President, Friday morning, July 12th, the House of Representatives passed the Valles Caldera Preservation Act by a vote of 377-45, and it will soon be signed by the President.

Later this month, the Secretary of Agriculture will take possession of the Baca ranch. He will be charged with the task of managing the Valles Caldera National Preserve for an interim period until the Trust is appointed.

In order for the Preserve to be opened to the public at the earliest possible time, the Secretary and the Trust will have to complete a substantial inventory, put together interim plans, and provide for the immediate requirements of basic public safety and law enforcement.

The Department of Agriculture has provided us with a breakdown of proposed activities over the next year, and estimates that they will need about \$990,000 to prepare the Preserve for an eager public, over half of which will go into planning and law enforcement activities.

Once the Trust takes over, hopefully in about 6 months, funds will transfer to them, so that they can take over management responsibilities for the Preserve.

The \$990,000 will be taken out of the budget of the Department of the Interior Solicitor's office, the bureaucrat who recently issued an opinion to federalize several reclamation projects in New Mexico.

Mr. MCCAIN. Mr. President, each year I carefully review the annual Interior appropriations bill to analyze how the Federal Government is meeting its fiscal obligations and priorities to protect our nation's resources and provide needed funding for Native American programs. I commend the Interior sub-

committee chairman, Senator GORTON, and the ranking member, Senator BYRD, for their hard work in completing this year's funding recommendations that will provide critical funding for National Parks, energy programs, the Indian Health Service, and the other resource management responsibilities within the Department of Interior.

Unfortunately, the appropriations committee has also continued the irresponsible practice of loading up an important bill such as this one with unrequested, low-priority earmarks and legislative riders. This Interior appropriations bill has once again become the target for members to tack on parochial spending for their own special interest projects. In this bill, I found nearly \$280 million for porkbarrel spending projects, a level that is unacceptably higher than previous years.

This type of unnecessary and low-priority spending is particularly egregious since each agency within the Department of Interior is struggling to meet its statutory responsibilities to protect our nation's parks, wildlife refuges and trust obligations to Native Americans. These agencies all report exceptionally large, multimillion backlogs for maintenance and repairs. Yet, instead of directing funding to substantially eradicate these backlogs, the appropriations committee instead chooses to divert federal spending toward locale-specific earmarks that either were not included in the budget request, increase funding above the requested level for other specific projects, or fund unauthorized projects.

I recognize that various communities around the country look to the federal government to help protect them against wildfire threats or set aside funding to preserve open space to build parks for their children. Many of the projects in this bill will no doubt address some of these important needs and are deserving of federal investments. However, I fail to understand why it is necessary to load up this bill with erroneous earmarks that appear to pander more to special interests rather than address our highest resource management needs. I believe that we should abide by our established budget procedures by allocating federal assistance to those projects that undergo a normal, merit-based prioritization process that protects the interests of the American taxpayer, and employs the most cost-effective approach.

While individually, the amounts earmarked for these projects may not seem substantial, collectively they add up to unmitigated pork. Where does some of this pork go?

An increase of \$600,000 is included for the Alaska Sealife Center for an elder recovery research program, a center which already received supplemental funding in the recently passed Military

Construction conference agreement. Other locale-specific earmarks include \$200,000 for a direct pass-through grant to Long Live the Lings to coordinate the various hatchery managers and governmental jurisdictions in Washington state; \$500,000 to continue with the retrofit of the research vessel (the R/V Sturgeon) for use by the Great Lakes Science Center; \$5,000,000 for maintenance and snow removal on the Beartooth Highway; and, an increase of \$500,000 above the requested level for the Smithsonian Astrophysical Observatory (SAO) to begin construction of a base facility at Hilo, Hawaii in conjunction with the SAO Submillimeter Array initiative.

These projects may be important to the local communities for which they are targeted, but are they really the highest national priorities? Are these projects fundamental to carrying out the resource management functions of the Interior Department? Unfortunately, it matters little since I, nor the majority of my colleagues, had any input about whether funding these projects is the wisest and best use of Federal dollars.

We further abandon our budget principles by funding projects that have not been authorized by Congress. For example, the proposed Wheeling National Heritage Area in West Virginia has been the recipient of an annual earmark for the past several years, including a recommendation for a \$500,000 earmark in this bill. While this does not appear to be problematic, what is not well known is that this particular heritage area has not yet been authorized by Congress. This flies directly in the face of the statement by the Interior appropriations committee which specifically pointed out that it would not fund projects unless Congress authorized them. Again, this project itself is not necessarily objectionable to me and may have good reason to be funded. But what is appalling is that these funds are specifically earmarked for a project not yet authorized, thereby clearly sidestepping a process that other heritage area projects are expected to adhere to in order to receive federal assistance.

It is also alarming to find, buried in this bill, a specific earmark of two million dollars to the Sealaska Corporation to develop an ethanol manufacturing facility in Alaska, the purpose of which is intended to support a declining timber industry in the Alaska region. To further assist these impacted communities in Alaska, an additional five million earmark is provided for a three year timber supply for the Tongass National Forest, language added securing preferential treatment of Alaska's surplus red cedar for sales abroad, and hundreds of thousands more are directed to other forest management activities to benefit the Alaskan region.

I admit that I am not an authority on the matters affecting local communities in Alaska. However, what I take particular exception to is the fact that this earmark benefits the ethanol industry, a fiscal boondoggle industry that already reaps substantial benefits from existing federal subsidies at the expense of taxpayers. It is a blatant insult to taxpayers to ask them to supplement the ethanol industry even more by spending two million to build one ethanol manufacturing facility for a region that is receiving more than adequate fiscal attention.

With the many identified priorities stated by the subcommittee members, such as addressing wildfire emergencies and health care for Native Americans, little to no information is provided as to why certain organizations are deserve of direct earmarks, such as \$176,000 for the Kawerak Reindeer Herders Association, and one million for the National Conservation Training Center. With no information to explain the national importance of these programs, I find it troubling that the subcommittee tends to specifically favor certain organizations for funding when these organizations should also be subjected to a competitive and merit-review process.

As I stated before, there is undoubtedly considerable merit to some of the programs for which funding is earmarked in this bill. However, until Congress ends the typical arbitrary spending which violates the integrity of the federal budget process, I have no choice but to highlight the practice of adding and earmarking funds for programs and activities that appear to serve narrowly tailored interests at the expense of the national interest.

Even in this time of an unprecedented budget surplus, we have a responsibility to the American public to exercise fiscal responsibility and discretion rather than allowing this type of unchecked spending to continue. It is shameful the way we are squandering the public's trust and money, and it will be the burden of the taxpayers to shell out the \$280 million for needless and wasteful spending included in this bill.

The list of objectionable provisions in this bill that I compiled is more than 19 pages long and is unfortunately too lengthy to print in the RECORD. However, the list is available from my Senate office.

Mr. DODD. Mr. President, I am pleased to join with my colleagues Senators LIEBERMAN, SNOWE, JEFFORDS, LEAHY and TORRICELLI in offering an amendment to the Interior Appropriations for FY 2001. Our amendment would provide \$4 million in funding for the maintenance of a Northeast Home Heating Oil Reserve, with an offset of \$3 million from the Strategic Petroleum Reserve (SPR) Petroleum ac-

count and \$1 million from the Naval Petroleum and Oil Shales Account.

This amendment is critically important to the people of Connecticut and throughout the Northeast because most homes and many schools and businesses rely on oil for heating. Last winter, the Northeast region was gripped by cold weather and skyrocketing oil prices.

Last week, the President issued a directive to establish a heating oil reserve in the Northeast by exchanging crude oil from the Strategic Petroleum Reserve for 2 million barrels of heating oil to be stored across the Northeast. In addition, the Secretary of Energy transmitted a permanent plan that must lay before Congress for 60 days. Our amendment would fund the maintenance of that reserve and we will continue to work with the members of the Energy Committee to authorize a trigger that is appropriate to the Northeast situation.

Mr. President, with increased demand for gasoline and refineries at or near capacity, experts agree that heating oil stocks will remain low going into the winter season. Even now, the heating oil stocks are more than 60 percent lower than last year. The writing is on the wall.

This amendment will mean that the heating oil reserve will be maintained. Heating oil will be stored within the Northeast. Residents of my state need not have to choose among filling their oil tanks, putting food on the table, paying for their medication or paying the rent or mortgage.

I thank my colleagues, especially Chairman GORTON and Senator BYRD for their interest in this amendment and I urge its immediate acceptance.

Mrs. FEINSTEIN. Mr. President, Today I want to express my support for the NEA which plays an important role in preserving our culture and is funded in this bill.

The bill before us provides \$105 million for the NEA, an increase of \$7.3 million over FY 2000. This is of vital importance to the survival of the arts in both California and in the United States. National interest in the arts continues to increase. The number of artists in America has more than doubled since 1970. Today, the arts industry supports nearly 1.3 million jobs nationally; 391,200 indirectly, and 908,800 directly.

Despite this growth, the United States still spends nearly 50 times less on the arts than in any other countries: While the U.S. spends \$6.00 per person on the arts, the United Kingdom spends \$26.00; France spends \$57.00; Finland spends up to \$91.00.

In 1999, NEA funded projects in every county in the state of California, awarding 210 grants totaling \$5.6 million. To date, in FY 2000, the NEA has provided 225 grants in California, totaling \$7.3 million.

Here are three examples of how the National Endowment for the Arts helps preserve our national cultural heritage.

This year, the NEA awarded a grant to the City of San Diego Commission for Arts and Culture to support the Living Traditions Initiative. Living Traditions teaches a wide array of skills in music, dance, language arts, history, folklore, crafts and visual arts through classes, publications, recordings and the broadcast media.

In 1999, the NEA funded a collaborative project of the Brooklyn, New York, Historical Society to increase public access to visual materials documenting Prospect Park, the location of the 1776 Battle of Long Island, the first major conflict between the Continental and British Armies in North America, following the signing of the Declaration of Independence. The project will increase a historic image database, produce a guide for the database and make it Internet accessible.

In 1999, the NEA funded Documentary Arts, Inc. of Dallas, Texas, to support a series of films that explore the complexity of American life through the spoken word and community-based sounds of folk artists across the country.

Preserving national and community culture is one way to encourage patriotism and a sense of community that can help combat the apathy that keeps people from actively involving themselves in the daily life of their community.

The NEA can be a force to engage the imagination. The NEA funds arts education for children, such as these:

The Magic Theater in San Francisco, promotes the Young California Writers Project, an educational program designed to support young playwrights.

Class Act is a music education program in Orange County, California, elementary and middle schools supported by NEA.

Stagebridge in Oakland, California, provides a literacy program for both children and adults.

The National Book Foundation does literary outreach to link leading authors with underserved communities throughout the country. For example, American Voices brings established writers to American Indian reservations nationwide and conducts a summer writing camp for inner-city teens and adults.

The MoveSpeakSpin program in Santa Cruz, California uses dance education activities as a tool in teaching curriculum subjects in math and science, subjects which often are difficult for children to learn.

Given the demands on our school budgets in California, many school districts in California were forced to cut funding for music and art programs from their schools' curriculums. NEA funding in the schools helps assure

that our children will still have access to arts education.

Additionally, students who participate in the arts do notably better on standardized testing. Research from the 1995-1997 College Entrance Examination Board shows that students who studied the arts scored an average of 83 points higher than non-art students on the SAT.

Arts can also provide a constructive outlet for young people. A three-year research study of YouthARTS, funded by the NEA and the U.S. Department of Justice in 1999, demonstrated that arts programs help decrease youth delinquency. Several NEA-funded projects have demonstrated this:

NEA awarded a grant to the Richmond Art Center in California to support expansion of the "Art Reach" program for at-risk youths in West Contra Costa County.

Creative Links: Positive Alternatives for Youth funds residency projects across the nation in which young people work with artists after school and during the summer. Programs are supported through arts organizations, community centers, low-income housing projects, tribal communities and juvenile facilities.

By encouraging at-risk teens to express themselves through art instead of antisocial behavior, the NEA can help deter delinquency.

For much of American history, art has been considered to be a "luxury" of the elite. Through traveling programs and other outreach programs, the NEA has made art accessible for Americans in all corners of the nation and to all economic strata. Here are some examples in California:

The Rural Journeys Project, run partially by Independent Eye, Ltd. in Sebastopol provides residencies that offer performances from the repertoire and workshops to rural communities nationally.

A grant to the Humboldt Arts Council in Humboldt supports a consortium of multi disciplinary arts workshops and activities to rural, low-income populations.

A Fresno Arts Council program compiles and assesses data on the state's artistic resources, including identification of traditional artists, and the creation of a database and report on artistic resources and needs.

NEA has opened up the artistic world to the visually and audibly impaired.

Deaf West Theater Company in North Hollywood supports a multi-disciplinary production of "Oliver," the musical, and production workshops in schools that serve deaf and disadvantaged youth.

ARTREACH, Inc. of Philadelphia, Pennsylvania, creates a Cultural Access Guide for the Disabled for the Greater Philadelphia region. The guide describes architecture and art for the physically disabled, blind, deaf, and

hard of hearing populations to cultural venues.

Many private organizations which fund art base their grants on the profitability of an artist or on their organizations' goals. The NEA gives special attention to underrepresented groups. Here are two examples:

The NEA-funded Women's Philharmonic supports women conductors and music directors in leading national orchestras.

The San Francisco group, American Indian Contemporary Arts, with NEA funding, mounts thematic exhibitions of contemporary Native American artists' work.

Art is a "language" which crosses lines of race, ethnicity, culture, age, education, geography, and disability. Many of the projects which the NEA funds promote an understanding of our nation's diverse heritage:

The Hmong Cultural Arts, Crafts, Teaching & Museum project in California provides instruction in Hmong Pa Dao embroidery and instruction in the ancient musical instruments of Kheng and Xee Xo.

The Lake Tahoe Arts Project produces the Ballet Folclorico do Brasil

The American Musical Theater of San Jose produces "Musicals in the Neighborhood," multi-lingual musical performances that focuses on universal themes.

Supporting arts representing different cultures is especially important to my state, the state with the most diverse population in the nation. Currently, California has 12 percent of the total population in the United States, 33 percent of the Hispanic population, 37 percent of the Asian/Pacific Islanders population, 7 percent of the African-American population, and 13 percent of the American Indian population. California is the true melting pot. By funding arts which express many cultures, the NEA helps to foster cultural understanding among these many groups.

The NEA provides Americans with valuable cultural programs, with an impact far beyond art. Through its work, the NEA has made great contributions to preserving American culture, educating American citizens, and assuring equal access to the arts and arts funding. To continue reaping these benefits, we must continue to support the NEA.

Mr. BYRD. Mr. President, with final passage of the Fiscal Year 2001 Interior and Related Agencies Appropriations Act, I wish to take a moment to thank all Senators for their time and effort in helping to make this important measure a better product. As I have frequently noted, crafting the Interior bill is not an easy charge. Weighing the thousands of Member requests that come in to the Interior subcommittee against the limited resources made available to us is an arduous task, indeed.

Yet, this year, as in past years, that job has been handled with great skill by the subcommittee chairman, Senator GORTON. My friend from Washington is, I can say unequivocally, the best subcommittee chairman I have ever had the pleasure of working with. His dedication to duty, his graciousness under fire, and his commitment to working with me in a bipartisan manner are simply unparalleled. Moreover, the fact that this legislation will be adopted by the Senate by an overwhelming vote is testament, I believe, to the incredible job done by the distinguished subcommittee chairman.

Let me also extend my appreciation to all subcommittee staff, in particular, Bruce Evans, who serves Senator GORTON in an efficient and capable manner. And, on the minority side, I wish to offer a special thanks to Peter Kiefhaber. Although this young man has been on my staff for more than eight years, this is his first year working for the Appropriations Committee. In the span of less than 6 months, he has worked hard, distinguishing himself not only to me, but obviously to other Members of the Senate, who have told me personally of his good work.

Finally, let me again thank all Senators and say that I look forward to working with the subcommittee chairman as we proceed to conference with the House of Representatives.

Mr. GORTON. I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—97

Abraham	Bunning	Domenici
Akaka	Burns	Dorgan
Allard	Byrd	Durbin
Ashcroft	Campbell	Edwards
Baucus	Chafee, L.	Enzi
Bayh	Cleland	Feinstein
Bennett	Cochran	Fitzgerald
Biden	Collins	Frist
Bingaman	Conrad	Gorton
Bond	Craig	Graham
Boxer	Crapo	Gramm
Breaux	Daschle	Grams
Brownback	DeWine	Grassley
Bryan	Dodd	Gregg

Hagel	Levin	Santorum
Harkin	Lieberman	Sarbanes
Hatch	Lincoln	Schumer
Helms	Lott	Sessions
Hollings	Lugar	Shelby
Hutchinson	Mack	Smith (NH)
Hutchison	McCain	Smith (OR)
Inhofe	McConnell	Snowe
Inouye	Mikulski	Specter
Jeffords	Moynihan	Stevens
Johnson	Murkowski	Thomas
Kennedy	Murray	Thompson
Kerrey	Nickles	Thurmond
Kerry	Reed	Torricelli
Kohl	Reid	Voinovich
Kyl	Robb	Warner
Landrieu	Roberts	Wyden
Lautenberg	Rockefeller	
Leahy	Roth	

NAYS—2

Feingold

Wellstone

NOT VOTING—1

Coverdell

The bill (H.R. 4578), as amended, was passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. GORTON. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, at the closing of this bill, this is one more opportunity for me to thank my colleague, Senator BYRD, for his guidance, cooperation, and many courtesies in moving this bill through to final passage. He has been very complimentary of me. I can simply say that much or most of what I have learned about managing a bill I have learned from the distinguished Senator from West Virginia, and I hope he regards me as an apt pupil.

I also thank his staff for all of their hard work. The minority clerk, Peter Kiefhaber, who is new to this job, has been a tremendous asset to the subcommittee and has been a forceful advocate for Members on his side of the aisle. Peter has been ably assisted by Carole Geagley of the minority staff, and by Scott Dalzell, who has been with us on detail from the U.S. Fish and Wildlife Service.

My own subcommittee staff has also had the benefit of an agency detailee—Sheila Sweeney from the Forest Service. Sheila has kept her good humor even while struggling to track the thousands of Member requests that the subcommittee receives from Members

of this body. We have enjoyed having her with us. She has been extremely productive.

The subcommittee professional staff on my side has done yeoman work: Ginny James, Leif Fønnesbeck, Joe Norrell, and Christine Drager, who is in her first year with the subcommittee. All have contributed to making the passage of this bill a relatively smooth process, something I think speaks well of their dedication, professionalism, and knowledge of the programs and issues in this bill.

Finally, of course, there is my chief subcommittee aide, Bruce Evans, who has guided this bill in each of the years that I have worked on it. I could not possibly have any better staff. I am certain that no Member of the Senate has better, more dedicated, or more effective staff in seeking passage of a particular bill.

I also thank Kari Vander Stoep of my own personal staff for her outstanding work on the issues in this bill that are of particular importance to the people of the State of Washington.

As many hours as we put in here on the floor, each of these individuals has spent that multiplied by 10 in late nights and early mornings, in literally months of putting the bill together. They are likely to do exactly the same as we go through to the conference committee and final adoption of the bill.

I express my gratitude for their good work and the appreciation, I am sure, of Senator BYRD and of the Senate as a whole.

#### MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4810, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

Pending:

Burns Amendment No. 3874, to repeal the modification of the installment method.

Reid (for Hollings) Amendment No. 3875, to pay down the debt by striking the tax cuts.

Nickles (for Lott) Amendment No. 3881, to provide a substitute.

The PRESIDING OFFICER. The Senate will now proceed to vote in relation to the following amendments, with 2 minutes for explanation prior to each vote: BURNS, HOLLINGS, and LOTT.

The Senator from Montana.

AMENDMENT NO. 3874

Mr. BURNS. Mr. President, the amendment that I have offered to this piece of legislation is a freestanding bill, S. 2005, the Installment Tax Collection Act of 2000.

Basically, it allows small businesses or farms that sell their businesses on



the installment plan to pay their capital gains taxes as they receive the money. Right now, they are required to pay the capital gains taxes in one lump sum. In other words, in some cases, when properties are sold, they even have to borrow the money to pay the capital gains up front.

It is no cutback in revenue to the Government. We just receive the money whenever the owners receive their payments for their property.

I urge adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Is all time yielded back?

Mr. MOYNIHAN. A voice vote would be very agreeable.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 3874. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.—

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

#### YEAS—99

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Craig	Kerry	Specter
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wellstone
Enzi	Lott	Wyden

#### NOT VOTING—1

Coverdell

The amendment (No. 3874) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3875

The PRESIDING OFFICER. Under the previous order, the next amendment is Senator HOLLINGS' amendment.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, do you want to make \$1 million? Do you want to become a millionaire? All you have to do is find the surplus that is in the headlines.

This morning, USA Today said "surplus doubles."

That crowd knows how to write, but they do not know how to read.

I have the Congressional Budget Office report that they quoted. On page 17, the debt goes from \$5.617 trillion to \$6.370 trillion. The debt is going up. The surplus is going down.

I thought maybe they had gotten it from the President's midyear review just given 2 weeks ago. Of course, you know how they mix these things up. The last page tells the truth. On page 23, President Clinton finds that the debt goes up to \$1 trillion—no surplus. The debt increases.

I then go to the public debt to the penny. Call up Treasury. They give this out every day. You find how the debt goes up.

What they are trying to do is increase the debt with this \$248 billion.

I am for paying down the debt.

Vote for the amendment if you are for paying down the debt, please.

Mr. LEVIN. Mr. President, I will support the Hollings amendment to strike the tax cuts proposed in this legislation and devote those funds to reduction of the national debt.

I supported and would prefer the Democratic proposal to eliminate the marriage penalty in the Tax Code. I voted for the Democratic plan and had it passed would not have supported the Hollings amendment. However, since the Democratic alternative to the pending bill was defeated yesterday by a 46-50 vote, and since the Republican bill would cost a wasteful \$40 billion a year, reflecting the wrong priorities, I will support the Hollings amendment to better use those funds to pay down the national debt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, evidently the proponent of the amendment does not believe any marriage tax relief is in order.

Let me say that I find this position to be incredible. The Federal Government is taking a record level of the economy in revenue over 20 percent. The Federal take has not been this high since World War II.

Income taxes have doubled since the Clinton administration came to office. Clearly, it is the taxpayers—especially America's hard-working families—who have caused the surplus.

This bill returns less than 3 percent of the non-Social Security surplus to virtually every married couple in the

country. Both Republicans and Democrats agree that marriage tax relief is an appropriate use of the non-Social Security surplus. We differ on how the relief is delivered.

I urge my colleagues to reject Senator HOLLINGS' amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3875. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 213 Leg.]

#### YEAS—20

Akaka	Inouye	Moynihan
Boxer	Kennedy	Reed
Daschle	Kerry	Robb
Dodd	Lautenberg	Rockefeller
Feingold	Leahy	Voinovich
Harkin	Levin	Wellstone
Hollings	Lincoln	

#### NAYS—79

Abraham	Edwards	McCain
Allard	Enzi	McConnell
Ashcroft	Feinstein	Mikulski
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Gorton	Nickles
Biden	Graham	Reid
Bingaman	Gramm	Roberts
Bond	Grams	Roth
Breaux	Grassley	Santorum
Brownback	Gregg	Sarbanes
Bryan	Hagel	Schumer
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Chafee, L.	Inhofe	Snowe
Cleland	Jeffords	Specter
Cochran	Johnson	Stevens
Collins	Kerrey	Thomas
Conrad	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
DeWine	Lieberman	Warner
Domenici	Lott	Wyden
Dorgan	Lugar	
Durbin	Mack	

#### NOT VOTING—1

Coverdell

The amendment (No. 3875) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask consent the vote occur in relation to the Lott amendment notwithstanding the order for the recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask consent that immediately following the reconvening at 2:15, there be 5 minutes for the managers or their designees for closing remarks, to be followed immediately by a vote on passage of H.R. 4810.



The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3881

Mr. LOTT. Mr. President, I do have brief remarks before the vote on the next amendment. Are we ready to proceed to that?

The PRESIDING OFFICER. There are 2 minutes for debate, equally divided. The majority leader.

Mr. LOTT. Mr. President, the amendment we have before us will return to the text of the committee-reported bill. If this amendment is agreed to, we will then be voting on a clean marriage penalty relief bill with the exact text that was reported from the Finance Committee. It is a simple vote. It is a simple choice. Last night the Senate did accept some amendments on several issues that are not relevant to marriage penalty relief, several of them on voice vote, perhaps a couple of them along the way on recorded votes.

Some of them are good amendments. We will have another opportunity to vote for them or have them included in other legislation. They are good ideas that deserve to be on another bill. This bill is about tax relief for married couples and about eliminating the marriage penalty when a couple gets married, so I urge my colleagues to support cleaning up the bill so we can pass a clean marriage penalty bill.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DURBIN. Mr. President, let me explain to the body what the Lott amendment does. If you voted in favor of the Durbin-Bond amendment to give full deductibility of insurance premiums to self-employed small businesses and farmers, the Lott amendment eliminates that vote. If you voted with Senator TORRICELLI of New Jersey for lead screening under Medicaid to protect children, the Lott amendment eliminates that. If you voted with Senator TORRICELLI on special provisions in Medicare for those suffering from Lou Gehrig's disease, the Lott amendment eliminates that. If you voted with Senator BURNS to change business accounting to make it more fair to small businesses, the Lott amendment eliminates it.

This is done over and over in the House of Representatives by the Rules Committee. It clears the deck of all the activity and progress we have made. It is an effort to make a tabula rasa the last amendment of the day. If you believe the amendments we voted for are worth standing behind, I urge you to vote "no" on the Lott amendment.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3881. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 214 Leg.]

#### YEAS—54

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Craig	Jeffords	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner

#### NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

#### NOT VOTING—1

Coverdell

The amendment No. (3881) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Wyoming, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:55 p.m., recessed until 2:15 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000—Continued

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, we are poised to approve the Marriage Tax Relief Reconciliation Act of 2000. This is a great victory for the American family—all America's families. It is not one that has been won, as much as it has been earned.

This bill is the centerpiece of our efforts to reduce the tax overpayment by

American families. It is fair, it is responsible, it is the right thing to do for American families. And it is long overdue that they receive it.

The provisions in this bill will help over 45 million families. That is virtually every family in the U.S. Some of my colleagues have argued that almost half of those families—21 million families located in every state in this country—do not deserve any tax relief. I reject that argument. I reject it because in my home state of Delaware it would mean leaving over 30,000 families that contributed to our ever-growing budget surplus out of family tax relief.

All of these American families have contributed to the record surplus that we have in Washington. They deserve to get some of it back. I believed that three months ago when I first unveiled this package. And I believe it even more so today with the new numbers released by the Congressional Budget Office.

Today's bill amounts to just 3 percent of the total budget surplus over the next five years. It amounts to just 8 percent of the total non-Social Security surplus over the next five years. That is less than a dime on the dollar of American's tax overpayment. By any comparison or estimation, this marriage tax relief is fiscally responsible.

I would ask those who oppose this family tax relief: Just how big will America's budget surplus have to get before America's families deserve to receive some of their tax dollars back? If not now, when? If 8 percent of just the overpayment is too big a refund, how little should it be? How long do they have to wait? How hard do they have to work? How large an overpayment do they have to make?

This bill is fair. We have addressed the three largest sources of marriage tax penalties in the tax code—the standard deduction, the rate brackets, and the earned income credit. And we have done so in a way that does not create any new penalties—any new disincentives in the tax code. We have ensured that a family with one stay-at-home parent is not treated worse for tax purposes than a family where both parents work outside the home. This is an important principle because these are important families.

Despite the red flags thrown up by those who want to stand in the way of marriage tax relief, this bill actually makes the tax code more progressive. Families with incomes under \$100,000 pay less than 50 percent of the total federal taxes; yet under our bill, these same families receive substantially more than 50 percent of the benefits.

I do not understand how people can claim that this bill is tilted towards the rich. I believe that the real complaint of those who oppose this bill is not that it is tilted towards the rich—because it is not—but because it is tilted away from Washington. As a result,

some of America's tax overpayment will flow back to America's families.

Mr. President, it is time for us to act. Families across America are waiting for us to make good on our promise. They are waiting for us to return some of this record surplus to them. Let's approve the Marriage Tax Relief Reconciliation Act of 2000 and let's divorce the marriage tax penalty from the tax code once and for all.

Mr. ASHCROFT. Mr. President, the current tax code is at war with our values—the tax code penalizes the basic social institution: marriage. The American people know that this is unfair—they know it is not right that the code penalizes marriage. I commend the Senate on the vote we are going to take today to end this long-standing problem.

Twenty-five million American couples pay an average of approximately \$1,400 in marriage penalty annually as a result of the marriage penalty. Ending this penalty gives couples the freedom to make their own choices with their money. Couples could use the \$1,400 for: retirement, education, home, children's needs.

This bill will also provide needed tax relief to American families—39 million American married couples, 830,000 in Missouri. Couples like Bruce and Kay Morton, from Camdenton, MO, who suffer from this unfair penalty. Mr. Morton wrote me a note so simple that even a Senator could understand it: "Please vote yes for the Marriage Tax relief of 2000."

Another Missourian, Travis Harms, of Independence, Missouri, wrote to tell me that the marriage penalty hits him and his wife, Laura. Mr. Harms graciously offered me his services in ending the marriage penalty. "I would like to thank you for your support and effort towards the elimination of the unfair 'marriage tax.' If there is any way I can support or encourage others to help this dream become a reality, I would be honored to help."

I am grateful to Travis Harms and Bruce Morton for their support. And I want to repay them by making sure we end this unfair penalty on marriage.

The marriage penalty places an undue burden on American families. According to the Tax Foundation, an American family spends more of their family budget on taxes than on health care, food, clothing, and shelter combined. The tax bill should not be the biggest bill families like the Morton's and Harms' face.

And families certainly should not be taxed extra because they are married. Couples choosing marriage are making the right choice for society. It is in our interest to encourage them to make this choice.

Unfortunately, the marriage penalty discourages this choice. The marriage penalty may actually contribute to one of society's most serious and enduring

problems. There are now twice as many single parent households in America than there were when this penalty was first enacted.

In its policies, the government should uphold the basic values that give strength and vitality to our culture. Marriage and family are a cornerstone of civilization, but are heavily penalized by the federal tax system.

The marriage penalty is so patently unfair no one will defend it. Those on the other side of the aisle are making a stab at addressing the marriage penalty, even though they are not willing to provide relief to all couples who face this unfair penalty. Their bill implements a choose or lose system for some couples who are subject to the marriage penalty. Their bill phases out marriage penalty relief, and does not cover all of the couples who face this unfair penalty.

This issue, however, is not about income, it's about fairness. It is unfair to tax married couples more than single people, no matter what their income. The Finance Committee bill provides tax relief to all married couples.

In addition, the Finance Committee bill makes sure that couples do not face the risk of differential treatment. Under the minority bill, one family with a husband earning \$50,000 and a mother staying home with her children will pay more in taxes than a family with a combined income of \$50,000, with the wife and husband each earning \$25,000. This system creates a disincentive for parents to stay at home with their children. The Republican plan will treat all couples equally.

While the minority bill is flawed, I am encouraged that they are finally acknowledging that the marriage penalty is a problem. I am also encouraged that President Clinton has also acknowledged the unfair nature of the marriage penalty. But unfortunately, Treasury Secretary Larry Summers has announced that he would advise the President to veto marriage penalty relief.

I say to the President and to my colleagues on the other side: being against the marriage penalty means that you have to be willing to eliminate it. You cannot just say you oppose the penalty, and then fight to keep the penalty in law, or to keep part of the penalty in law for some people. Join us to vote for the elimination of the penalty, and let us bring this important tax relief bill to the American people together.

The marriage penalty has endured for too long and harmed too many couples. It is time to abolish the prejudice that charges higher taxes for being married. It is time to take the tax out of saying "I do."

Mr. DEWINE. Mr. President, I rise today in support of the Marriage Tax Penalty Relief Reconciliation Act. This bill would eliminate much of the

so-called marriage penalty contained in the current tax code by expanding the standard filing deduction for married couples filing jointly, widening the tax brackets, increasing the income phase-outs for the earned income credit, and extending permanently the preservation of the family tax credits.

My main reason for supporting this measure is the simple fact that I do not believe that the federal government should be penalizing marriage. If two people meet and fall in love, they should not have to worry about whether their formal union will bring about adverse tax consequences. After all, newly married couples have enough to worry about, without the added burden of increased tax liability.

Mr. President, one of the basic principles of our tax system is that it treats individuals in similar situations in the same way. In other words, if two individuals make the same amount of money and the rest of their lifestyles are similar, they pay the same amount of tax.

When two people marry, these principles of fairness should remain in place, even if the basis of tax liability changes from the individual to the family. Two people, as a married couple, simply should not have to pay higher taxes than they would as singles. And furthermore, two couples who make the same income should pay the same amount of taxes. The proposal before us today adheres to those principles. The alternative offered by my colleagues on the other side of the aisle, does not.

Mr. President, I support the marriage tax relief proposal currently before us now—it is a step toward eliminating one of the most egregious examples of unfairness and complexity in the tax code today. I strongly urge my colleagues to support its final passage.

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material in S. 2839 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, S. 2839, the Marriage Tax Relief Reconciliation Act of 2000, contains no material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

Mr. CONRAD. Mr. President, this week the Senate was required to choose between two plans to correct the marriage tax penalty. Unfortunately, both of them were flawed.

Make no mistake. The marriage penalty is wrong. The tax code should not penalize people simply because they

choose to marry. As our economy continues to thrive, we have the opportunity to address the unfairness in the tax code. But we must do so in a manner that is fiscally responsible. We must provide relief to those unfairly penalized, but avoid an unwarranted windfall to those who already receive favorable treatment.

I believe the only way to fully eliminate the marriage penalty is to allow couples to decide whether to file jointly, or as individuals. As we have heard throughout this debate, there are 65 different places in the tax code which can cause married couples to pay more tax than they otherwise would. By allowing couples to choose between filing singly or jointly, we allow each couple to choose the best outcome for their personal situation. That is the approach I favor.

And that is why I supported Senator MOYNIHAN's proposal. His plan takes the right approach, and would completely eliminate the marriage penalty for couples making \$100,000 or less. However, I believe Senator MOYNIHAN's proposal did not go far enough to completely restore fairness for all couples, no matter what their income.

I did not support the plan proposed by Senator ROTH. It would deal with only three of the instances in the tax code that can result in a marriage penalty, and would direct even greater benefits to people who already experience a "marriage bonus" under current tax law. The Roth proposal carries a tremendous price tag, with costs ballooning out of control as the baby boomers begin to retire—and despite its costs, would provide only modest relief from the marriage penalty for the great majority of couples over the next ten years.

We have heard that this legislation faces a veto. We will have the opportunity to return to this issue, and find a better solution, one that is affordable, simple, and effective.

The plan I offered in the Finance Committee in April could, I believe, form the basis for a compromise. It provides a simple, elegant, and complete solution to the marriage penalty, based on the concept of optional single filing.

Optional single filing could not be simpler—taxpayers decide whether to file as a couple or as two single individuals, whichever method produces the smallest family tax bill. Optional single filing means that couples who actually pay the marriage penalty get the relief from it.

Let's review one more time why the marriage tax penalty happens. Under our system, marriage affects tax liabilities because married couples pay income taxes jointly rather than as two individuals. Because tax brackets, deductions, and credits for couples are not always set at exactly twice the levels for individuals, married couples do

not always pay the same taxes as they would if the same two people were unmarried. As I said, experts have identified 65 separate provisions in the Internal Revenue Code that can affect taxpayers differently based on marital status.

About 42 percent of couples pay more filing jointly than if they were not married and filed as two individuals. This is defined as a marriage tax penalty. About half of all married couples pay less. This is known as a marriage tax bonus. The remainder see no significant difference either way.

The Roth proposal dealt conclusively with only one of the provisions that gives rise to a marriage penalty. If the difference in the standard deduction is responsible for your marriage penalty, the Republican plan has all the relief you need.

If the widths of the rate brackets causes you to pay more as a married couple than you would if you were two single individuals, the Roth plan will give you some help. Likewise, if your penalty stems from the structure of the earned income tax credit, the Republicans have a little something to offer. But for those two marriage penalty situations—and the 62 other provisions in the Internal Revenue Code that could result in a couple paying a marriage penalty—only optional single filing can provide complete relief.

That's why I so strongly support optional single filing. It's the best way of dealing with the marriage penalty—give people the flexibility to decide what's best for them.

And, because optional single filing would not give tens of billions of dollars in new tax breaks for wealthy individuals who already get a marriage bonus, it would allow us to pay down the national debt faster. Every time I visit with North Dakotans, they tell me that paying down the national debt should be a top priority. Paying down debt will strengthen our economy and reduce interest costs. And it will ensure that our children and grandchildren are not saddled with future tax increases to pay for the debt we ran up in the past three decades.

This plan is simple. It is complete. And it matches our nation's priorities. I hope that as this debate moves forward, we can use the plan as a basis for an effective compromise.

Mr. BAYH. Mr. President, I rise today in support of eliminating the marriage penalty for working families. Eliminating the marriage penalty—which results when a married couple pays more in taxes than they would if they had remained single—is the right thing to do. Unfortunately, the approach the majority offers is fiscally irresponsible and provides more than half its benefits to couples who pay no marriage penalty. By contrast, the approach I support provides tax relief only to those who actually pay mar-

riage penalties, and it allows us to provide additional, targeted tax cuts.

A few months ago, I introduced my own approach to the marriage penalty problem, the Targeted Marriage Penalty Relief Act of 2000, S. 2043. My bill provides a dollar-for-dollar tax credit—up to a maximum of \$500 in 2001, rising to \$1,700 in 2004—that reduces or eliminates the marriage penalty on a couple's earned income. My bill provides immediate marriage penalty relief to millions of American families, completely eliminating the penalty for 59 percent of families that face a penalty in the first year. Plus, it provides tax relief only to those families who currently pay more when they marry than they would if they had remained single, which is the true measure of the marriage penalty.

Because it is more targeted to those with marriage penalties, my bill is also more fiscally responsible. The Targeted Marriage Penalty Relief Act costs \$80 billion over ten years—\$33 billion in the five-year reconciliation window—or just over \$10 billion a year by the year 2010. It costs only one-third as much as the Republican plan, yet it eliminates the marriage penalty within four years for more than 80 percent of families.

In other words, Mr. President, my bill is targeted, simple, and affordable, as is the Democratic alternative offered by Senator MOYNIHAN. Both approaches allow us to honestly deal with the marriage penalty while also providing enough room for other priorities, such as prescription drug coverage, a college tuition tax credit, or a long term care tax credit. Given the likelihood that the Democratic alternative will fail, and the Republican bill will be vetoed by the President, it is my hope that my proposal will eventually receive serious consideration.

Compare the advantages of both the Democratic alternative and the Bayh approach to the Republican bill that we are debating here today. The Republican bill is expensive, costing \$248 billion over ten years and \$56 billion over five years. If allowed to continue until the year 2010, it would cost more than \$40 billion every year. The bill is poorly targeted, with nearly 60 percent of the total tax relief going to couples who today pay less in tax when they marry, rather than more.

In addition, the Republican bill provides immediate relief only to a small number of families because it phases in over a seven-year period. In fact, the Republican bill has not even completely phased in by the end of the five-year budget window, thereby hiding its true cost.

I appreciate the argument made by the other side of the aisle that with significant surpluses on the horizon, some of that money ought to be returned to taxpayers. I also agree that we ought to do something about the marriage penalty, because people

should not have to pay more tax simply because they fall in love and get married, as the two Senators from Texas point out often with both irony and humor. But unfortunately, eliminating the marriage penalty is not the only challenge we face. The majority's proposal severely hampers our ability to cut other taxes, pay down the debt, and make needed investments in Medicare and education. It provides most relief for those who pay no marriage penalty and offers incomplete relief for those who do. I support a better, more balanced approach and look forward to the day when it is adopted.

Mr. LEAHY. Mr. President, I do not like the marriage penalty. I think it is poor public policy. Unfortunately, the Senate Finance Committee has presented us with a bill, sponsored by Senator ROTH, that does not completely eliminate the marriage penalty. What this bill would do instead is direct a majority of its tax benefits to married couples who already benefit from a marriage bonus and to certain individuals who have never even been married. Hard working married couples in Vermont deserve an honest, targeted measure to eliminate the marriage penalty, not the proposal that is before us today.

Of the 65 marriage penalties in the Tax Code, the Republican bill eliminates only one and partially addresses only two more. It would do absolutely nothing to get rid of the 62 other marriage penalties in areas such as the Hope and Lifetime Learning Credits, Individual Retirement Accounts, and the taxation of Social Security benefits, programs that are important to Vermonters. In addition, by increasing the deduction and expanding brackets, this bill would benefit married couples who experience a marriage bonus, at a cost of \$55.6 billion over five years and \$40 billion per year after that.

I support the alternative amendment, proposed by Senator MOYNIHAN, because it would eliminate all 65 marriage penalties in the Tax Code for couples with up to \$100,000 in adjusted gross income. This common sense plan would accomplish this relief by allowing married couples to calculate their tax liability jointly or as single individuals. The alternative would also significantly shrink the marriage penalty for couples with between \$100,000 and \$150,000 in adjusted gross income. According to the Vermont Department of Taxes, in 1998, 113,132 married couples in Vermont had an adjusted gross income under \$150,000. That is 94.5 percent of all married couples in Vermont that filed taxes that year. Under Senator MOYNIHAN's proposal, Vermonters get more bang for their buck and those married couples who are truly hurt by the marriage penalty get a break.

Senator ROTH's bill, when fully phased in, would cost American tax-

payers \$40 billion a year, \$10 billion more than Senator MOYNIHAN's proposal, but would leave 62 marriage penalties untouched. In addition, an analysis by the Department of Treasury indicates that only 40 percent of the benefits of this bill would actually reduce the marriage penalty. This means that 60 percent of the benefits are directed to other cuts—expensive cuts that do nothing to provide senior citizens with a prescription drug benefit, nothing to improve our children's education, nothing to help repay our national debt.

If the Republican bill is enacted, we will have made little progress in eliminating the marriage penalty—one small step as opposed to the giant leap that we would get with Senator MOYNIHAN's alternative. I support an end to the marriage penalty and I will continue to work with other Senators to pass affordable legislation that is targeted at eliminating all of the marriage penalties in our Tax Code. Vermonters and all hard working Americans deserve nothing less.

Mr. GORTON. Mr. President, the marriage tax penalty is an injustice in the Federal income Tax Code that results in a married couple filing a joint return paying more in taxes than if the same couple were not married and filed as individuals. Today, the Senate will vote to end this injustice.

There is no question that the American people, both married and single, are troubled and upset by the marriage tax penalty, and that they are telling Congress and the President to end this injustice in the Tax Code. I know every one of my 99 colleagues in the Senate receives letters like those that arrive in my mail every day from Washington state—letters urging support for legislation to eliminate the marriage tax penalty.

I will share just one of the hundreds and hundreds I have recently received. The Gaylord's of Sumner, Washington wrote to me and described how they learned of the penalty the Tax Code imposed on them for being married when preparing their tax filings for this year. The letter reads, "Here is what I did to see the penalty: I simply clicked on the 'single' box on my wife's return (as it is on the computer, it is a simple thing to do) and her tax went from sending \$400 to the IRS, to an instant recalculation of getting \$500 back!" Computer tax software made it easy and brutally clear to the Gaylord's that they were being punished by the Tax Code for being married to each other, that they would pay less in taxes if they were single.

Mr. President, the marriage tax penalty is as outrageous as it is indefensible. President Clinton, however, has threatened to veto this marriage tax penalty legislation. President Clinton should reverse his threatened veto, sign marriage tax penalty legislation into law and bring fairness to the Tax

Code. No longer should those who fall in love and get married be penalized by the Tax Code.

Mr. LEVIN. Mr. President, I oppose the Republican marriage penalty tax reform proposal and support the Democratic alternative for three simple reasons: the Democratic alternative is targeted, provides comprehensive relief, and is fiscally responsible, and the Republican plan is not.

First, the Democratic relief plan is targeted: It confers 100% of its benefits on couples suffering a marriage penalty—when two individuals pay more in income taxes as a married couple, filing jointly than they would if they remained single. The Republican plan confers only 40 percent of its benefits to taxpayers who currently suffer a penalty. Of the remaining benefits, 37 percent go to couples currently receiving a marriage bonus—when two individuals pay less in income taxes as a married couple, filing jointly than they would if they remained single. So the Republican plan is effectively a singles penalty bill.

Second, the Democratic relief plan is comprehensive: There are 65 areas of the tax code where a marriage penalty occurs—from the standard deduction to the earned income tax credit. The Democratic plan addresses all of them. In fact it completely eliminates the penalty—in all its forms—for couples earning up to \$100,000, 80% of all married couples. The Republican plan addresses only 3 of the 65 places in the tax code where the marriage penalty occurs—it doesn't address the other 62. So the Republican plan provides inadequate, incomplete relief.

Despite these deficiencies, or perhaps, because of them, the Republican plan carries an enormous, fiscally irresponsible price tag of \$40 billion per year when fully in place—compared with \$29 billion per year for the Democratic alternative. Allocating so much money to an inefficient, poorly targeted tax cut leaves no room for other important national priorities and threatens the very prosperity that has made tax cuts possible. The Democratic proposal is simply a better value for the American taxpayer.

Mr. ROTH. Mr. President, I yield 3 minutes off the majority leader's time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we are not talking about a tax cut today. We are talking about a tax correction. We are talking about 21 million married couples in this country having tax equity.

We have heard the arguments: This is a tax for the rich. Is a schoolteacher who makes \$30,000 a year and a policeman who makes \$32,000 a year a couple who are rich? That is what the other side would have you believe. They think this is a tax cut for the rich.

I ask the question: Does a school-teacher and a policeman believe the Federal Government can decide better how they should spend their own money than they can decide for themselves? That is what it gets down to.

When I hear the other side saying this is going to cost the Government too much, I think: Who do they think this money belongs to? Do they think it belongs to the people who earn it or do they think it belongs to people in Washington, DC, who have never met the families who are paying these taxes? I think the money belongs to the people who earn it.

We are looking at a \$2 trillion non-Social Security surplus. We are talking about tax cuts. With the death tax and the marriage tax penalty relief that we have given in the last week in this Senate, it would be 10 percent of the projected non-Social Security surplus—10 cents on the dollar.

What are we going to do with this money if we don't let people keep more of the money they earn? Are we going to dream up new programs that will not affect these people? I don't think that is the right approach.

We are talking about tax relief for hard-working American families—people who make \$30,000 a year or \$32,000 a year or \$35,000 a year—because we believe marriage should not be a taxable event. We believe people should be treated the same if they get married. If they are two working people who are trying to save their money to buy their first home, they should have the right to do it with their own money, especially since we are talking about 10 percent of the non-Social Security surplus.

We are talking about being good stewards of taxpayer dollars today. We are talking about letting hard-working families keep the money they earn to do a little bit better for their children or to be able to start a family or buy their American dream home.

That is what we are talking about. We believe the family can make the decisions for themselves better than someone in Washington.

Marriage penalty relief is what we are talking about. Tax equity is what we are talking about. We are talking about fairness today for hard-working Americans.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I would like to make five points in a very short period of time before we vote.

The first goes to the issue raised by the distinguished Senator from Delaware and the chairman of the Finance Committee, Senator ROTH, having to do with the surplus.

Over the course of the last 6 months we have seen the surplus increase—projected now to be about \$2.1 trillion. In 6 months, we have gone from roughly

\$800 billion in projected surplus to \$2.1 trillion. I will predict that surplus is going to change one way or the other over the next 6 months, the next 6 years—for any length of time. In fact, I think the surplus projections are the fiscal equivalent of the dot-com stock market. They will continue to be volatile. We know how volatile they can be. We projected deficits as far as the eye could see a few years ago. We could see those deficits come back completely in a very short period of time. We don't know. There will continue to be volatility in predictions of surplus just as there has been volatility in the dot-com stock market. Let's keep that in mind.

When you add all the Republican tax breaks to date, and add the Bush Social Security privatization proposal and it comes to \$3.4 trillion. That exceeds by more than 50 percent the available surplus.

Last week, we dealt with the estate tax. Today, we are dealing with marriage penalties. But when you add all of them up, we exceed by more than 50 percent of the projected surplus.

They are counting on this surplus continuing to go up, No. 1, or they are going to do something they say they don't want to do, which is to tap the Social Security surplus and the Medicare surplus in order to pay for the tax cuts in the first place. That is point No. 1.

We don't have the surplus in the bank until it is there. They can project all they want to project. But that surplus could be eliminated very quickly.

The second issue: If you are going to say you are going to fix the marriage penalty, fix the marriage penalty. There are 65 marriage penalties in the Tax Code. The Republicans chose to deal with three of them. The cost in dealing with those three is \$248 billion. They filed amendments in the Finance Committee for an additional \$6 billion, totaling another \$81 billion. I don't know what it would cost if they were actually going to fix all 65. We don't know how many hundreds of billions of dollars there would be in addition to the \$248 billion. Keep that in mind. This does not fix the marriage penalty. Anyone who is voting under that impression ought to recognize that they can say what they will but they are only fixing 3 of the 65 problems that are currently incorporated in the tax law. That is the second point.

This is the third point related to the second point. Let's take this teacher and this policeman the distinguished Senator from Texas was talking about. She mentioned a teacher and a policeman and having the need to address their concern. For this couple who has been penalized, let's assume each of them were making \$35,000, which in the case of a teacher is very difficult to assume. But we will assume that for the moment. The husband and wife jointly

would pay \$9,532. If they were able to file singly, they would pay \$8,407. So their actual marriage penalty is \$1,125.

The Republican plan only provides 39 percent of the relief for that couple making \$70,000—\$443. That is all the relief this Republican plan provides. That is another reason the Democrats felt compelled to offer our alternative.

It is no accident that the Democratic plan authored by the distinguished Senator from New York and the Finance Committee Democrats provide 100-percent relief—\$1,125 in the case of this particular couple making \$70,000.

The fourth point: This bill actually creates a new inequity. We call it a singles penalty. I promise you somebody is going to come to the floor saying we have to deal with the singles penalty.

That \$70,000 joint income I was talking about creates a joint tax liability of \$10,274 under current law. They get some tax relief under the GOP plan, and end up with a liability of \$8,743. However, a widow does not get any relief at all. A single widow, a person trying to make ends meet with the same kind of income, doesn't get any kind of reduction in her tax liability at all. In fact, because they now create a singles penalty, that widow will actually pay \$1,531 in additional taxes over a couple getting relief under the marriage penalty. We are inadvertently creating a singles penalty in the name of trying to address this marriage penalty relief under the Republican plan. That is something I hope Members will take a close look at.

The fifth point I raise, I heard several colleagues discuss the fact this does not benefit the wealthy at the expense of the rest. According to the Joint Tax Committee, it sure does. The Joint Tax Committee said a couple making \$50,000 a year, as a joint couple, the Republican tax bill is going to allow \$240 in relief when paying a marriage penalty with \$50,000 worth of income. Someone earning \$200,000, their benefit under the Republican plan is \$1,335. The Democratic plan is shown in contrast. Someone earning \$30,000 under the Democratic plan receives \$4,191 in relief. Under the Republican plan, they receive \$807.

When representing the vast majority of the American working families in that \$30,000 to \$50,000, why vote for a plan that actually reduces their opportunity to generate meaningful relief by giving them \$240 in the case of a \$50,000 income earner, and \$807 relief for those in the \$30,000 category? Why vote for such a plan?

It goes to the very point that many have made all along, and the distinguished Senator from New York has made so eloquently. Mr. President, 60 percent of the benefit in this bill we are about to vote on actually goes to those who get a marriage bonus; only 40 percent of that \$248 million actually goes to those who face a marriage penalty.

Why give, in the name of marriage penalty relief, 60 percent of the benefit to those who are actually getting a marriage bonus under current law? Why exacerbate the inequities in current law already? That is what we are doing.

The Democrats have a far better plan. This chart shows that better plan. The Republicans, as I noted earlier, deal with 3 of the 65 inequities for \$248 billion, 60 percent of which goes to those who get a marriage surplus. The Democrats deal with every single inequity currently in the code, all 65, and in one sentence.

That is the choice. Do we want to fix it or do we want to talk about it? Do we want to create new inequities and singles penalties, or do we want to deal with the problem? Do we want to fritter away \$248 billion, thinking we have fixed the marriage problem, or do we want to deal with the real problem for a lot less money?

The Democratic plan allows married couples to file separately or jointly. Very simply, taxpayers get a choice. Why deny them that choice? We provide them, for the first time, an opportunity to do one or the other, in a single sentence.

We eliminate all marriage tax penalties for those making less than \$100,000. We don't expand the marriage bonus, and we provide fiscally responsible relief.

You cannot get much better than that. I am hopeful my colleagues will think very carefully before they vote for a plan that does not solve this problem. I urge a "no" vote on the Republican plan on marriage penalty relief.

I yield the floor.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CRAPO). Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—61

Abraham	Ashcroft	Biden
Allard	Bennett	Bond

Brownback	Grams	Murkowski
Bunning	Grassley	Nickles
Burns	Gregg	Roberts
Byrd	Hagel	Roth
Campbell	Hatch	Santorum
Chafee, L.	Helms	Sessions
Cleland	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Craig	Jeffords	Snowe
Crapo	Kerrey	Specter
DeWine	Kohl	Stevens
Domenici	Kyl	Thomas
Enzi	Landrieu	Thompson
Feinstein	Lott	Thurmond
Fitzgerald	Lugar	Torricelli
Frist	Mack	Warner
Gorton	McCain	
Gramm	McConnell	

NAYS—38

Akaka	Feingold	Mikulski
Baucus	Graham	Moynihan
Bayh	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Inouye	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Lautenberg	Schumer
Dodd	Leahy	Voinovich
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NOT VOTING—1

Coverdell

The bill (H.R. 4810), as amended, was passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

CHANGE OF VOTE

Mr. KOHL. Mr. President, on rollcall vote No. 215, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that I be permitted to change my vote since it would not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Presiding Officer appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN conferees on the part of the Senate.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I take this occasion to thank the persons who have supported us and, most particularly, to thank the minority staff of the Finance Committee which produced what we think to have been a fine measure.

We are, as ever, indebted to our chief of staff, Dr. David Podoff, who, in the course of these deliberations, had Marshall's "Principles of Economics" on his desk for reference; to our tax team, led by Russ Sullivan, Stan Fendley, Mitchell Kent, Jerry Pannullo, Cary Pugh, John Sparrow, Lee Holtzman, Matthew Vogelee, and Andy Guglielmi; to our health team, Chuck Konigsberg, Kyle Kinner, Kirsten Beronio, and David Nightingale.

Also, I extend a very special thank-you to Lisa Konwinski from the Budget

Committee staff who provided extraordinary assistance on the reconciliation bill rules and procedures.

I yield the floor, sir.

## ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is currently on S. 2, which is the Elementary and Secondary Education Act.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WHAT PRICE LEGACY?

Mr. BYRD. Mr. President, the peace talks that President Clinton has been hosting at Camp David between Prime Minister Barak of Israel and Chairman Arafat of the Palestinian Authority appear to be reaching their climax. The President has made clear from the outset that the negotiations would be difficult, but that it was his hope to recreate the spirit of the Camp David summit hosted by President Carter more than 20 years ago that resulted in the historic peace treaty between Egypt and Israel.

The goal of the current discussions is no less ambitious than the peace treaty between Israel and Egypt that was enshrined in the first Camp David accords. Certainly, a peace agreement between the Israelis and the Palestinians would be a welcome advance in the quest for a lasting peace in the Middle East. We would all like these discussions to lead to an end to the conflict that has caused so much suffering and instability in that troubled region.

Whether such a positive outcome is possible is still very much in doubt. There is no guarantee of success; indeed, many think the chances are dim. But when there is a chance for peace, the opportunity should be seized.

That being said, Mr. President, it should be made clear what the role and responsibility of the United States are here. The most important role of the United States is our ability to serve as the facilitator of these discussions. That is due to the nature of our relations with Israel and the Palestinians, and the personalities of the leaders involved at this time in history.

But providing a forum and encouragement for the Israelis and Palestinians to solve their own conflict should not be translated into a commitment to solve the conflict for them. Stability in the Middle East, including the state of relations between Israel and the Palestinians, is a matter of great importance to the United States, but it is not our conflict. It is theirs. We can

help them find common ground, but ultimately it is their ground to find.

This distinction is significant in light of the potential cost of a peace agreement between the Israelis and the Palestinians. Figures ranging from \$15 billion to \$40 billion have been floated in the media over the past several days as the possible sums that U.S. taxpayers will be asked to contribute to a peace agreement. If history is any guide, this is only the beginning.

According to the Congressional Research Service, from 1979 through 2000, the United States has provided over \$68 billion to Israel, and over \$47 billion to Egypt to support the Camp David accords. That amounts to more than \$115 billion in U.S. tax dollars to two countries alone. Besides that, from 1994 and 2000, the United States has provided \$927 million—almost a billion dollars—to the Palestinians.

I wonder how many Americans are aware of this. I wonder how many Americans knew, at the time of the first Camp David summit, that the price of an Israeli-Egyptian peace agreement would be an open-ended financial commitment of U.S. tax dollars exceeding \$100 billion. Yet after more than 20 years of paying the bills, that is indeed the cost. And there is no end in sight.

Mr. President, there has been a lot of talk about President Clinton's legacy and Secretary of State Albright's legacy. I appreciate their zeal to achieve historic agreements and to be remembered for their achievements. I recognize that peace between the Israelis and the Palestinians would be a crowning achievement. But what legacy at what price? Are we going to be told somewhere down the line that in order for the Israelis and Palestinians to agree—and this does not include the Syrians—the Administration had to promise them billions and billions of dollars in U.S. taxpayer aid? Why is it the responsibility of the United States Congress to pay to implement an agreement that we are not a party to, and about which we have, so far, received no details?

There is a disturbing tendency on the part of the Administration, and it is by no means unique to this Administration, to negotiate agreements and make costly financial commitments behind closed doors, and then inform the Congress, in so-called "consultations," after the fact. I fear that is what is contemplated again, and I think it is wrong.

If consultations are happening, that is news to me. As ranking member of the Senate Appropriations Committee, I have not been consulted, and perhaps for good reasons. I am not aware of any other Senator who has been approached by any administration official who has suggested what the price of implementing a peace agreement might be, or why it is the responsibility of the

American taxpayers to pay that price. I say this particularly when it was only last year that the Congress provided a total of \$1.6 billion to Israel and the Palestinians to implement the Wye River agreement—another deal that was made without any prior consultations, as far as I know, with Congress. Again, I fear we are being led down the path of "sign now, pay later" without even knowing how much we are going to be asked to pay later, or why.

Now, I recognize that the discussions underway at Camp David may fail. There may be no agreement. That would be unfortunate. But whatever the outcome, I want to remind the administration, and the Israelis and Palestinians, that the negotiations are being hosted by the administration, not by the Congress, not by the Appropriations Committees of the Congress. No one should assume that the check is in the mail. No one should assume that we are going to dig another hole for ourselves the way we did the last time there was such a negotiation at Camp David.

We all want to see peace in the Middle East, and if there is a legitimate need for funding to implement a peace agreement, we can discuss what role the United States should play—but not after the commitments have already been made, not after the ink has already dried, not if this ancient Senator has anything to say about it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### THE PASSING OF SENATOR JOHN O. PASTORE

Mr. REED. Mr. President, Rhode Island and the Nation have lost an extraordinary statesman and patriot, Senator John O. Pastore. Senator Pastore passed away Saturday at the age of 93. He served in this body from December 1950 until January 1977. He served with distinction, he served with integrity, and he served with the utmost commitment to helping the people of Rhode Island and the people of this Nation to achieve the noblest aspirations of this country. He committed his life to public service. Senator Pastore was, in turn, a State representative, an assistant attorney general of the State of Rhode Island, a lieutenant governor, a Governor, and then, for over 26 years, a U.S. Senator.

He began his life on March 17, 1907, on Federal Hill, the Italian American community in Rhode Island. It was an interesting combination of a young Italian American born to immigrant parents on St. Patrick's Day. He would never let anyone around forget that he was both proudly Italian and fortuitously Irish—at least for 1 day of the year. He grew up in an immigrant household that was experiencing all the difficulty and travail of people who

come to a new land to find themselves and make a better life for their children. It was not glamorous; it was difficult. He endured the difficulties with the same kind of determination that marked his whole life.

In his own words:

We lived in the ghetto of Federal Hill. We had no running water, no hot water. I used to get up in the morning and have to crank the stove and go out in the back yard and sift out the ashes and come back with a coal that I could recoup. I had to chisel ice with an ice pick in the sink so that I could wash up in the morning. And that was everybody in the family. That wasn't me alone. That was my wife's family. That was everybody's family.

The hard, difficult life of a young immigrant family in Providence, RI, in the early part of the century became even more difficult because when Senator Pastore was 9 years old, his father, a tailor, passed away. At the age of 9, he became the man of the family. His mother went to work as a seamstress to support Senator Pastore and four other children. She labored all of her life to do that.

Senator Pastore was a bright and gifted student. He progressed through the Providence public schools and finished Classical High School, which was the preeminent public high school in the State of Rhode Island. He did so well that he was offered an opportunity to attend Harvard College so that he could fulfill his dream to become a doctor. He did so well, not only by studying but at the same time supporting his family, working in a jewelry factory in Providence, RI. But the reality and the truth was, he was poor, he was without a father, and he felt the keen obligation to ensure that he protected and helped his family. And so he would forego that opportunity. He was without the funds. He had to work to support his brothers and sisters and help his mother. It is said—and he has said it, in fact—that he wept on the night of his graduation, thinking that his great talent would never be fully utilized, that he would forever be committed to a life of perhaps even menial work. But he did so willingly and voluntarily because he, too, wanted to help his mother and his brothers and sisters to make it in this great country.

As we all recognize, all of us who have in any way briefly come in contact with Senator John O. Pastore, he was a man of extraordinary determination. He went to work as a clerk at the Narragansett Electric Company, and during the day he worked hard. But in the evening he enrolled at the Northeastern University Law School extension, held at the Providence YMCA. Those were the days when you could become a lawyer without going to college and then going from college into law school. At night, while working and supporting his family, he became a lawyer. After he became a lawyer, he opened up his practice in the basement of his family's home in Providence.



The clientele did not rush to him, frankly, but he also discovered that he had a knack for politics. He ran as a State representative in the thirties. He was elected twice and, at that point, he began to create a name for himself as an articulate advocate, someone who was a hard-working, determined champion, not only for his people but for all people.

He was made an assistant attorney general for the State, and then he was selected to run as lieutenant governor. He served as lieutenant governor for the State of Rhode Island. And then, fortuitously—because the Governor accepted a position in the Democratic administration—he became the first Italian American Governor in this great country. Then, he moved on to the U.S. Senate to become the first Italian American Senator in the history of this country. An extraordinary individual. He came here and worked on so many different issues. He was the chairman of the Joint Committee on Atomic Energy at the time when atomic energy was becoming a powerful force in all of our lives.

He committed himself to the peaceful use of atomic energy to try to develop its potential to help rather than to destroy. He worked ceaselessly to ensure that we were controlling atomic energy throughout the world. He worked very hard on the Nuclear Test Ban Treaty. He worked with many colleagues—some colleagues who are here today—on that landmark legislation.

He also served on the Commerce Committee where he was the chairman of the telecommunications subcommittee. I daresay many of the fundamental foundations and principles that have guided this huge explosion of telecommunications that have opened up the cyberspace of the world began years ago under his deliberations on that committee.

Also, in 1974 at the end of his career, he was very active in campaign finance reform in the wake of the Watergate affair.

Those are accomplishments, but what is so compelling and so emblematic of the man is that his whole life represented something so fundamentally American. He was modest and humble. He seized the opportunity that is America—the chance to succeed. Then he committed himself in his public life, day in and day out, to ensure that every American had those types of opportunities.

That is why he and his colleagues in the 1960s embraced the idea of providing educational support to the talented but poor Americans who could get into college but couldn't afford to go to college. That was not some theoretical flourish he discovered in a lecture hall at a great university; that was from his heart, from having lived it, from having seen so many of his contemporaries with the talent, the

skills, and the ambition frustrated and thwarted because they didn't have the money to go to college. In so many other ways, he tried to ensure that "opportunity" was the watchword of America.

His greatest contribution perhaps is the fact that he lived what we all think America should be and is—that someone can rise up from an immigrant household, from a place where English is not the first language, to the highest positions in this country through hard work, dedication, and commitment. That example alone, that inspiration alone, is extraordinarily important to all of us.

We in Rhode Island are very lucky because we have a chance to see our public officials close up. All of us have stories about our leaders. In Rhode Island, Senator Pastore was no exception. We all understood early on that he was one of the most extraordinary debaters and oral advocates this body has seen in a very long time.

In 1964, President Johnson asked Senator Pastore to be the keynote speaker at the Democratic National Convention. I was 14 years old then. I, as every other Rhode Islander, was crowded around the television set on a hot summer's night waiting for our Senator to speak to the Nation. He spoke in his typical powerful and forceful way. He spoke about justice and opportunity. He spoke about the Democratic Party, and he spoke about our commitment to help everyone. He spoke with both passion and precision. He moved that convention, and he moved the Nation. We will never forget those words.

Also, again because of the proximity of everyone to everyone else in Rhode Island, I had the chance to see him when I was a younger person in my early teens because my parents would summer down at Narragansett, RI, and his family would summer there also. It was a very modest summer resort. My father was a school custodian. So this was not exactly the Riviera. But he was there because that is where the people were. That is where he went for his summer vacation.

I can remember going to mass on a hot summer's day. We were all lucky just to be in long pants because it was summertime. However, he would be there in his suit and tie looking every inch the sartorial master that he was, with a bearing and a dignity that was beyond senatorial, it was regal, but also with a kindness and a humility that came through equally well.

Finally, with a great deal of appreciation and gratitude, Senator Pastore was the individual who appointed me to the military academy at West Point. He gave me the greatest opportunity of my life. He did it in a nonpartisan, nonpolitical way. I had never really met the Senator. I had asked for the appointment. I sent him a letter. He had his staff direct me to take a test.

I took a test. I took a physical. I took a physical aptitude test. I still remember the moment when his executive assistant called me and told me I was going to West Point.

In my office in Washington I have both his picture and the letter he sent me on that day. In my office in Rhode Island I have his picture and the telegram he sent to follow up. He gave me a great opportunity. I like to think that the good things I have done in a way have been a response to that confidence he showed in me as a very young man.

He also was someone who had a great sense of humor about himself and about many things. He once quipped that he was very grateful his parents named him John O. Pastore rather than Giovanni Orlando Pastore because in the latter case his initials would have been "GOP," which is something he would have been hard pressed to deal with because of his very strong Democratic life and career.

I can remember also that Senator Mansfield spoke to me one time. He said: You know, every St. Patrick's Day, Senator Pastore insisted that he be the President pro tempore. It was his birthday. He wanted to preside. He also reminded everyone that his name was really John O. Pastore with the accent one would have if one were John O'Rourke, or John O'Neill, or John O'Donnell.

He was an extraordinary man. He graced us with a life of service. He graced us with a life that is an example to all of us. He has honored us by doing his best every day, by taking his work much more seriously than himself, and by doing this great work and then quietly and gracefully returning home, back to Rhode Island, to his beloved wife and his family—to his simple life with the people he respected and admired. He is beloved in my State of Rhode Island. He is well deserving of that great love.

To his wife, Mrs. Pastore, to his son John, to his daughters Francesca and Louise, to his sisters Elena and Michelina, our sincere condolences. But today we not only commemorate his passing but we celebrate his great life.

I yield the floor.

#### MORNING BUSINESS

Mr. COCHRAN. Mr. President, for the information of Senators, as I understand it, the leader has announced that we would go next to the Agriculture appropriations bill. I further understand that leadership is discussing an agreement under which we will proceed to consider that bill.

Pending the completion of that discussion, I ask unanimous consent that the Senate now go into a period of morning business with Senators permitted to speak therein for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Pursuant to that request, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FEDERAL SURPLUS

Mr. DURBIN. The United States has changed a lot in the last 7½ years. Mr. President, 7½ years ago we were deep into deficits. We were spending more each year than we collected in taxes. We were running up the largest national debt in the history of the United States. We have \$6 trillion in debt to show for that experience.

Many people have lost faith in the ability of this institution to correct this problem and to respond to what was truly a national crisis. In fact, some went so far as to suggest we should amend the Constitution of the United States to pass what was known as the balanced budget amendment.

On the floor today with me is Senator ROBERT BYRD of West Virginia, acknowledged to be probably the most gifted Senator when it comes to the rules of this body and knowledge of the Constitution. He fought a battle, sometimes lonely but ultimately successful, in stopping Members from amending the Constitution and giving power to the Federal courts to tell the Congress to stop spending. Some in this body thought that was the only way we could stop the red ink cascading over the Treasury in Washington, DC. Senator BYRD prevailed. The amendment was defeated.

Amazingly, we stand today in this Senate, in this Capitol, in Washington, DC, with a complete change of events. We are no longer talking about the yearly deficits. We are talking about the yearly surpluses, the fact that the economy is so strong, so many people are working, so many people are earning a good income, businesses are successful, people are building homes, America is on the move. For 7½ years or more now, we have seen that prosperity not only lift the boats of the American people but also bring a new opportunity in Congress. For the first time in many years, we can honestly sit back and discuss and debate what to do with the surplus in the Treasury.

I think many Democrats share the feeling that we should be conservative in our approach with this surplus. I am not sure what tomorrow, next year, 3 years, or 5 years down the line will bring. I think the decisions we should make as to this surplus should be thoughtful. First and foremost, let's retire our national debt, the \$6 trillion debt. We collect \$1 billion a day in taxes from Americans, businesses, fam-

ilies, and individuals to pay interest on our old national debt. It is as if to say to our children, we are going to leave you the mortgage on the home we enjoyed our entire lives.

I agree with President Clinton and most Democrats; our first priority should be reduce the publicly held national debt to zero. We can do it. We can do it in a short period of time. It will call for some discipline and some honest dialog with the American people. We can take the money from our surplus, pay down the debt in Social Security, pay down the debt in Medicare, strengthen those two very important programs, and bring down our national debt. That is our policy on the Democratic side of the aisle. That, we think, should be the first step that we make, the most important, the most conservative, the most disciplined.

The Republican side sees things quite differently. They believe if we are going to have a surplus, the first and most important thing we should do with that surplus is to give tax cuts. There isn't a politician alive who wouldn't like to address a crowd in his hometown and announce a tax cut. There is just no more popular set of words we can use in this business than: I'm going to cut your taxes. Is it the right thing to do? Is it the responsible thing to do?

Equally important, if we are to give tax cuts, who should be the beneficiaries? If we are going to have a surplus for the first time virtually in modern memory, what are we going to do with that surplus? Who will benefit from that surplus?

Over the last week and a half, we have heard the Republican answer to those questions. They have suggested if we have a surplus in America, if times are good and we can help somebody in America, the very first people in line for help should be the wealthiest in America. Now, is that the conclusion most American families would reach? I don't think so.

If you take a look at the proposal of the Republicans to eliminate the estate tax, and the bill that just passed to eliminate the so-called marriage penalty, you can see who the winners are. This chart I am presenting shows the Republican tax plan, their spending of our surplus. Almost half of our surplus is going to benefit the wealthiest people in America. The biggest winners? Mr. President, 43 percent of the total tax cut proposed by the Republicans goes to people making over \$319,000 a year. They get 43 percent of the tax breaks. It means for them, on average, an annual tax cut of \$23,000. That is almost \$2,000 a month.

The Republicans believe in good times, after we have been through all this pain, and we now have a surplus, the first group who deserves a break, the first group to deserve a benefit is the wealthiest people in America, those making over \$319,000 a year.

What about those on the other end? What about the people who get up and go to work every single day and may make a minimum wage or a little better than that? How will they fare under the Republican proposal? How were they considered when the Republicans sat down and said where our priorities will be, here are the people we will help. The lowest 20 percent of wage earners in America, those making less than \$13,600 a year, get less than 1 percent of the Republican tax cut. It is worth \$24 a year to them, \$2 a month. The Republicans didn't forget them, they will send them \$2 a month. For the wealthiest, it is almost \$2,000 a month.

The next group, those making up to \$24,400, see about \$82 a year from the Republican tax cuts. That comes to \$7 a month. Think about that for a second. If we are going to help the people in America who need help the most, shouldn't we be rewarding hard-working families who get up and go to work every single day, play by the rules, try to buy a home, try to build a community, try to provide for their children and their future or should we take this surplus and give it, first, to those who are making over \$300,000 a year?

Some people say that being in Congress is about a question of being "in touch" or "out of touch." The Republican tax plan is in touch with the wealthiest people. It is out of touch with regular families.

The Democratic side believes after bringing down the national debt, we should target tax cuts to help these working families who have been virtually ignored by the Republicans in their tax benefits.

On the floor of the Senate, we offered an amendment to say every family in America, every single family, can deduct every year \$12,000 in college education expenses. I have seen a lot of families with new babies. Everybody is happy to see the child arrive. After a few minutes, people turn and say: What a cute little boy. How in the world are we ever going to pay for his college in 18 years? People know that cost is going up. The average family knows how tough it is to pay it.

We say on this side, you deserve a helping hand to help your son or daughter be the absolute best they can be. We offered an amendment. Instead of the Republican plan for the wealthiest, we said let the people of America deduct \$12,000 a year in college education expenses from their taxes. It is a deduction which would mean, for some families, as much as \$3,000, and a helping hand to pay for tuition. Rejected, rejected on the floor of the Senate last week. They don't want that kind of tax cut. They want the kind of tax cut that gives \$23,000 a year to the wealthiest people in America but would not give to average families, worried about their kids going to good schools

and having a bright future, a helping hand.

We also considered a prescription drug benefit. I think everybody knows what that is about. Your parent and your grandparents, on Medicare, are struggling to pay for their prescription drugs. On the Democratic side, we think there should be a program under Medicare to make sure the elderly have a chance to fill those prescriptions, stay healthy, stay strong, stay independent. We have been fighting for that. We offered it as an alternative. Instead of giving money to the wealthiest in this country, why don't you help those under Medicare, give them a helping hand in paying for some of the drugs? Rejected. The Republicans had a chance to vote for that tax benefit and rejected it on the floor of the Senate.

Having been across the State of Illinois, with public hearings on prescription drug benefits, the stories will break your heart. Men and women coming to those hearings get their prescription from the doctor. They go to the pharmacy, and before they ask them to fill it they ask how much will it cost. If it is too much, they either don't fill it or take half the prescription many times, depriving themselves of the basics of life so they can have prescription drugs.

That was the choice: To give to people earning over \$300,000 a year in income a tax break of \$23,000 or to give to seniors and the disabled a chance to pay for the prescription drugs. These are the values we tested on the floor of the Senate, and Republicans rejected the idea of a prescription drug benefit proposed by the Democrats.

On child care, do you know a working family with small children? Unless they have someone in the family they can count on, who doesn't worry about safe, quality child care for the kids? I think about it as a grandfather. I have a little 4-year-old grandson, and it finally dawned on me when my daughter told me she was looking for day care, somebody was going to have my little Alex for 8 hours a day. I said, "Who are these people? I want to know who they are if they are going to have my grandson."

Every mother and father asks that same question, and they struggle to come up with the money to pay for good child care to guard each day the most precious thing in their lives, and Senator DODD said, can't we give a tax break to working families to help them pay for child care? Wouldn't that be something good for America, so the kids are in good, safe hands during the course of the day so working families have that peace of mind? Rejected by the Republicans in the Senate. No, sir, we are not going to give a child care tax break for working families. We are going to give to the wealthiest in America \$23,000 a year in tax cuts.

When it comes to putting people in the front of the line for help from this

Government, the Republican leadership has said time and again: We are not there helping working families pay for college education. We are not there helping working families pay for child care. We are not there for prescription drug benefits. We are there for changes in the Tax Code that literally help the wealthiest people in America.

Another challenge many of us face is the whole question of taking care of aging parents. If you are a baby boomer, you probably know what I am talking about. Your parents, now, who want to live as long as they possibly can as independently as they can, basically come to you at some point and say, "We are going to need a hand." People make sacrifices for their parents in those circumstances. We think the Tax Code should recognize that, and reward that as well, and give to families who are struggling to take care of their aging parents and those with serious illness a helping hand. That is another idea for a tax cut that helps real American families, another idea rejected by the Republican leadership in the Senate. No, these people are not on their radar screen. First and foremost, the tax break suggested by the Republicans has to go to the very wealthiest among us.

So half the surplus we are now generating and hope to see in the next 10 or 20 years is not going to the working families of America. It is going to those who already are well off, those who are doing well, those who, frankly, don't need a helping hand.

Imagine, if you will, if you are making \$300,000 a year, what an extra \$2,000 a month means to you. What are you going to do with it? Surely you will find something to do with it. But could it possibly be as valuable as providing what a family needs to help pay for a college education expenses? Prescription drugs? Day care? Taking care of an aging parent? That is the battle that is underway.

President Clinton said he is going to veto these bills, and he should, because he was elected by people across America, 98 percent of whom will see no benefit whatsoever from these bills. Let us at least start listening to families across America when it comes to our tax policy. Let us sit down and correct the inequities in the Tax Code. But also let us decide who is most deserving of our tax assistance. I do not believe it is people making over \$300,000 a year. They are doing quite fine by themselves. Let's be sensitive, though, to those families struggling every day to realize the American dream and to have opportunity.

When you take a look at this Nation we live in, it is the greatest on Earth. God blessed each one of us who had a chance to call this home. But we have an obligation to people who live in this country to make sure they have a chance for opportunity, too. You heard

the wonderful story Senator JACK REED of Rhode Island told about John O. Pastore, one of the giants in the history of the Senate. A son of immigrants, he rose to serve in this Chamber and be an ideal and to serve as a model for so many people and so many generations.

There are many others like John Pastore out there who need their chance to prove themselves in America. They are not worried about estate taxes paid by fewer than 2 percent of the American people. They are folks who are worried about making sure they have a safe, healthy home, making sure they have health care, have college education expenses taken care of. Those people have been forgotten in the debate over the last 2 weeks. It is up to President Clinton to remind us of our priorities. It is up to him to lead us, now, into meaningful tax relief targeted to help families who really need it.

When it comes to prescription drug benefits, I do not think there is a more important issue we can consider during the course of this remaining congressional session. Prescription drug expenditures have been growing at double-digit rates for almost every year since 1980, and the drugs that seniors need the most have increased at four times the rate of inflation. The average prescription drug cost for Medicare beneficiaries will reach \$1,100 per year this year.

The Republicans have proposed, in a manner to try to deal with this, the suggestion that we should turn to the health insurance companies to let them take care of prescription drugs. Pardon me, we have seen what those same managed care companies and health insurance companies do to families when the families really need help. They turn them down when they need medical care. They let decisions be made by insurance clerks rather than doctors. They force people to go to court to sue for basic health care. That is the same group to whom Republicans would turn over the prescription drug benefit. That will never work. It is best for us to put together a plan that is guaranteed and universal and under Medicare that we can count on.

It is also important we have the leverage and the power to make sure we can negotiate for reasonable drug prices. It is just inconceivable to me that some of the same drugs we approve in the United States, some of which we spent taxpayers' dollars to research and develop, end up being sold in Canada for a fraction of the cost. Americans are now getting in buses and driving over the Canadian border to buy their drugs, fill their prescriptions for prescription drugs made by American drug companies at taxpayers' expense because they have to pay three and four times as much in the United States as they would in

Canada. That is disgraceful. If this Congress does not address it with not only a prescription drug benefit but also some effort to have reasonable control of price increases, we are not listening to the people we were sent here to represent.

We can talk about estate taxes. We can talk about people making over \$300,000 a year. But we have lost touch with reality and we have lost touch with America if we do not understand the cost of prescription drugs is something that haunts literally millions of Americans every single day. That is something we can and must do something about in the immediate future.

We have to bring Medicare in line with reality. The reality is that prescription drugs can keep you out of the hospital, keep you home and healthy, keep you independent and strong. When Medicare was created, there was no prescription drug benefit. Forty years ago, there were not that many drugs around, for that matter. But the world has changed. You would not buy a health insurance policy today that did not have some prescription drug benefit in it. Today, the most vulnerable people in America are seniors and disabled under Medicare who virtually have no prescription drug protection whatsoever.

We want to change that. We, on the Democratic side, believe if we do nothing else this year, we should enact a prescription drug benefit. We can then say to our parents and grandparents and the elderly we love in this country: We have heard your message. Again, I say while we should have been debating that, we were debating an estate tax change that ends up giving almost \$23,000 a year to some of the wealthiest people in America.

Look at how this works out in terms of the different income groups and how much they receive. As I mentioned, the lowest 20 percent of wage earners in America, under the Republican plan, get \$2 a month. What can you buy with that nowadays? Maybe a coke at McDonald's, I guess. Then up here at the highest level, those making over \$300,000 a year, \$23,000 in breaks on the Republican tax plan. Again, the inequity is so obvious—the fact that the people who are struggling the hardest, working the hardest, doing the most to make America strong, are the people who are being ignored by the Republican tax relief.

This is not the first time that has occurred. Take a look at some of these charts involving Republican tax cuts from years gone by. You will see every single time the Republicans have had a chance—in August of 1999; in May of 2000, the House minimum wage proposal; in March of 2000, and the Republican Congress estate tax repeal—at least 41 percent of all the tax benefits went to the very richest, the top 1 percent in America.

When it came to the minimum wage, the same thing was true. Think about that minimum wage for a second. How long could you survive on \$5.15 an hour on a job? Well, 350,000 people in my home State of Illinois got up this morning and went to work, and they are being paid today \$5.15 an hour. These are not lazy people. These are some of the hardest working people in my State. These are people cleaning the tables, making the beds, doing the laundry, doing the dry cleaning, watching our children in day care, and these people are being paid \$5.15 an hour.

We have tried, with Senator KENNEDY, for over 2 years to increase the minimum wage in this country, and we have been told America just cannot afford it. We cannot afford to give people who go to work every single day a livable, decent wage of \$6.15. That is hardly a great sum of money, but at least it tries to keep up with the cost of living.

The same Congress and the same leadership that has rejected a 50-cent-an-hour wage increase for some of the hardest working people in America wants to turn around and give a tax break of \$23,000 a year to those making over \$300,000.

Doesn't it strike you as odd that they are willing to give a tax break to folks making over \$300,000 a year, which is the equivalent of more than twice the income of a person earning the minimum wage? Where is the sensitivity to America? I can't understand how the Republicans can feel the "pain" of the wealthy but can't feel the pain of those who are working hard every single day to try to make a living and to try to make America better.

Again and again, given the chance to come up with the Republican tax cuts, we find that the richest in America are the ones who profit. We just ended up passing the so-called marriage penalty tax cut and exactly the same rules apply. Who are the people who will benefit from this? Under the Republican plan, this so-called marriage penalty turns out to be a marriage bonus.

The idea, of course, behind it is if two individuals are earning a certain income and decide to get married and they combine their income on a joint return, many times they find themselves moving up to a higher income tax bracket. That is wrong. We should change it. The Democrats support that change and that reform.

The Republicans say that is not enough. They say: For those who happen to get married—and one is working and one isn't—we want to lower the tax rate in their situation, even though there is no tax penalty. You end up giving a break where, frankly, it is not needed. So the tax break goes to whose who are not being penalized.

When you look at the ultimate benefit of it, you see, once again, the top 20 percent of earners in America are the ones who benefit the most from the

Republican plan. And 25.7 percent of all the benefits under this plan go to the richest 5 percent in the country, and 78 percent of it goes to the richest 20 percent in the country.

Again and again, given a chance to help working families and young married people who are struggling to get a start in life, the Republicans have said, no. They say the first people to help are the richest people in our society. That, to me, does not make sense.

What we have suggested, under the marriage penalty, is that we should have a simple, straightforward plan. We should define the marriage penalty as when a married couple pays more as a married couple than they would as two singles. Very simple. We say let married couples earning below \$100,000 have a choice in filing. They can file as two singles or as a couple. The proposal could not be more simple.

The Democratic alternative completely eliminates each and every one of the 65 marriage penalties in the Tax Code for taxpayers making \$100,000 a year or less. It reduces the marriage penalty for taxpayers making between \$100,000 and \$150,000. I think it is realistic, generous, and makes a lot of sense. I supported that, but that is not what passed the Senate a few minutes ago.

What passed is a benefit that will, frankly, go to the wealthiest people in this country. Again and again, we forget those who are making America great, working every single day. We forget those who need help in paying college education expenses.

We forget those who, frankly, have to make a tough decision at some point in the life of their son or daughter: Where are they going to go to college? Every parent dreams of their son or daughter getting into the very best school, and then they try to think of how they are going to pay for it. Many times they can't; they are unable to pay for it. They have to have that sad meeting in their household where they discuss it and say: Maybe you will have to stay home for a year. Maybe you will go to a school closer to home for a couple years, and then maybe, just maybe, if we save enough, you will get your chance to realize your dream and go to the very best school where you have been accepted.

That is a sad situation for a lot of families, but it is a real situation. We know what has happened to college education expenses. Anybody you talk to can tell you that particularly private schools but many public educational institutions have seen their costs increase dramatically. Families struggle with paying for that.

We came up with a suggestion on the floor of a tax deduction to help families pay for college education expenses. Rejected by the Republican majority, their belief was, if we are going to give tax relief, let's give it to the folks who are making over \$300,000 a year.

Prescription drugs, college education expenses, child care, helping to pay for your aging parents, that is my top list when it comes to tax relief in this country. But, sadly, with the Republican majority in control of the Congress now, that will not be the list that is listened to or followed when you talk about tax relief.

In just a few weeks, the major political parties will go through the quadrennial exercise of heading off for their national conventions—the Republicans to Philadelphia, the Democrats to Los Angeles. Of course, there will be a lot of speeches. The networks have decided it is not worth listening to, and they are going to tune us out most of the time. But you will read about it and probably catch some items in the news. You will hear a lot of claims being made.

You can count on the message coming out of Philadelphia—the Republican Convention—where they will say: President Clinton had a chance to cut your taxes, and he didn't do it. He vetoed the bills that the Republicans passed in the Congress.

A lot of people back home might say: That is a shame because I need a tax cut.

But for 98 percent of the American families listening to those shows, guess what, you were not protected or improved in any way by those tax cuts. They go to the top 2 percent of the American people. Those are the ones, the biggest wage earners in America, who will benefit.

Of course, at the Democratic Convention, you will hear us talk about issues that this Congress has refused to even consider—the prescription drug benefit, an increase in the minimum wage, and gun safety legislation. Think about that. Of course, if you turn on the television in the morning or pick up a newspaper, you hear of another incident of a child shooting up a school. And you think to yourself: What is America coming to that this can happen, in what is supposed to be one of the safest places in our country, that kids can take guns to school?

We were paralyzed a year ago—a little over a year ago now—at the tragedy at Columbine High School in Littleton, CO. To think that 12 kids could be killed, and so many others terrorized by those who would come upon these weapons and take them to school and open fire.

Every mother and father, and every schoolteacher and administrator, and many students across America said: What are we going to do to protect ourselves? They turned to Congress because we are representing these people and their families and said: Can you do something?

We came up with gun safety legislation. Let me tell you what it proposed. It wouldn't end gun violence in America, but it was an effort to try to keep

guns out of the hands of criminals and children. We said: If you are going to buy a gun from a gun dealer in America, we are going to check on who you are. We want to know something about your background. It is the Brady law. We stopped a half a million people from buying guns who should not have bought them because they were too young, they had a criminal history or a history of mental illness. That law has worked.

But the same people could have turned around and gone to a gun show at the local armory and bought the same guns without any background check. Those are the guns that we are finding more and more popping up in high schools and schools across America, guns purchased at gun shows, by those who were ineligible or questionable. They turn around and sell them. Kids get their hands on them. So we enacted legislation that said: We will do a background check at gun shows, too, to try to keep guns out of the hands of criminals and children and those who would misuse them.

That bill passed. It was a tie vote, 49–49, when Vice President GORE came and cast the tiebreaking vote. That was over a year ago. Nothing has happened to that bill since. It went over to the House of Representatives, and the gun lobby ripped it to shreds. They sent it to a conference committee, where it has been sitting moribund for literally a year, while gun violence continues in America and claims the lives of 12 or 13 of our children every single day.

One of the other provisions in that bill came from Senator KOHL of Wisconsin. He said: When you sell a handgun in America, it should have a child safety device or a trigger lock on it so kids can't get their hands on them and hurt themselves or their playmates or their classmates. That was part of the bill that we passed out of here. That was stopped by the gun lobby, as well.

When you think about it, many parents who decide not to have a firearm in their homes because they have small children never know, when their son or daughter goes to play next door, what the circumstances might be—whether those same kids are going to be vulnerable to some child finding a gun in a drawer or up on a shelf, play with it, and kill their playmate. You read about it almost every single day.

So this commonsense idea that we will have child safety devices or trigger locks on handguns in America was in the bill we sent over to the House. It was stopped cold—stopped dead in its tracks—by the gun lobby. They said: We have just gone too far. It is just too radical a suggestion that we would sell child safety devices with handguns.

The third provision was from the Senator from California, Mrs. FEINSTEIN, who said: It is against the law to manufacture and sell high-capacity ammo clips in the United States, but

there is a loophole. You can import them from overseas. And it is pretty simple to do.

She put into law the provision that you won't be able to buy high-capacity ammo clips that hold up to 100 cartridges and bullets. You have to ask yourself: What sportsman or hunter needs 100 cartridges or bullets? I believe if you need a high-capacity ammo clip and a semiassault weapon to go and shoot a deer, perhaps you ought to stick to fishing.

In many instances in America, the people who are buying these high-capacity ammo clips are turning around and using them for these gang banger activities and drive-by shootings that you read about, sadly, here in Washington, DC, and Chicago and cities across America.

That was the third provision in the gun safety bill. That was the third provision that the National Rifle Association said was unacceptable: We cannot restrict the right of American hunters and sportsmen to have high-capacity ammo clips that hold over 100 cartridges.

To my way of thinking, common sense requires us to say to people who want to exercise their right to legally and safely use a firearm that they, too, have to face some restriction on their activity. Those who have visited Washington, DC, as tourists may have gone through an airport and through a metal detector. It is an inconvenience we accept because we want to be safe when we get on that airplane. To ask that those who own firearms face similar inconveniences is not unreasonable, unless you happen to be the National Rifle Association. They think it is unreasonable to impose any restrictions whatsoever.

As a result, sadly, every morning in America, when you pick up the paper, you see instances where children are being killed, instances where kids are taking guns to school, instances where with some foresight and some political courage, this Congress might have been able to do something. We have not.

This has been a do-nothing-for-the-people Congress, as Vice President GORE has said. It has failed to take into consideration what the average working family in this country expects of us, not only to balance the books but to balance our priorities, to make sure the people who prosper because of our judgments and our decisions and our legislative leadership are the families across America.

I think also of the uninsured in this country. To think that in this time of prosperity in America, after the longest run of economic progress in the history of the United States, at a time when we are envisioning surpluses that have never been seen in our history, that we still live in a country with 40 million people who are uninsured. I offered an amendment to my friends in

the Senate that said we ought to give a tax credit to small businesses to help pay for health insurance for their employees. These are the businesses that pay the highest health insurance premiums to protect the family who owns the business as well as their employees. These are the employees working for small businesses who make the lowest incomes. Not surprisingly, they turn out to be the largest source of uninsured people in this country, those workers and their children.

What I propose, as part of our tax package on the Democratic side, is to say to small businesses: We will give you a helping hand. We will give you a tax credit so that you can offer health insurance to your employees. It strikes me as one of the basics we should consider.

Just a few years ago, we initiated a nationwide plan to help the States pay for covering the children of working parents with health insurance. It is called the CHIP program. It is working well in my State of Illinois and across the Nation. Congress is trying to plug the holes of 40 million uninsured people in America.

We had a hearing the other day that would have broken many hearts. The mothers and fathers of very disabled children came to tell us about their plight. They depend on SSI, a program under Social Security and Medicaid, to provide for kids who are profoundly retarded or disabled. They find, sadly, they earn too much money. We heard from a woman who talked about a situation where her State came to her and said: You can no longer provide for your child with your income; you just don't have enough money. We want you to turn your child over to be a ward of the State.

Imagine, in America, in the country in which we live, parents who are struggling to raise disabled children are told that the only answer is to turn their child over to become a ward of the State. That was what she faced. Her health insurance did not cover her needs.

Then there was a sergeant in the Air Force who came to see us with his lovely little 9-year-old daughter, Lauren, who has some serious medical difficulties. This is a man who has given most of his adult life to his country in the Air Force. He was recently given a promotion to E-6, where he would make \$200 more a month. With that \$200 more a month, he was disqualified from receiving Medicaid and SSI. He said it would cost him over \$500 a month to take care of his little daughter. So as he gets a tiny increase in pay of \$200 a month, he sees that \$500 of medical bills fall on his shoulders.

These are people in America without health insurance. These are people who I think about when I think about the surplus that we are experiencing. What are we going to do with this to extend

health insurance coverage to more and more Americans so it is no longer a question that parents ask their emancipated kids, as I have asked my daughter, Jennifer: Do you have health insurance now? She is a student who works from time to time, does her very best, but I worry about it as a father. I shouldn't have to. No one should have to in this country. Health insurance ought to be a given in America—not the fanciest and most expensive policy but a basic policy.

Is Congress debating that? Is Congress even thinking about it? Is Congress sensitive to it? No. We are debating tax breaks for people making over \$300,000 a year. That is our priority. The priority is not the parents of the handicapped children, the children of America who are uninsured, the 40 million uninsured Americans in general. That is where we lost sight of the true reality of the challenges facing American families.

The choices on the floor of the Senate are clear, and the choices for the American people in the election will be clear in terms of the values that should be represented when we decide who will benefit from the surplus we have generated and the strong economy of the last 8 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, in the year-and-a-half that I have been in the Senate, I have taken several opportunities to come to the floor to talk about the need to reduce our national debt.

Every chance I get, I remind my colleagues that we cannot let the excitement of having a record-high surplus allow us to lose sight of the fact that we must keep spending in check, and use our Social Security surplus and on-budget surplus dollars to pay down our \$5.7 trillion national debt.

I can't help but wonder why the media is quick to report that we have such tremendous surpluses, but is virtually silent when it comes to reporting that we have such a huge national debt.

I think the people need to know that we have a national debt that is costing us \$224 billion in interest payments a year, and that translates into \$600 million per day just to pay the interest. Out of every federal dollar that is spent this year, 13 cents will go to pay the interest on the national debt. In com-

parison, 16 cents will go for national defense; 18 cents will go for non-defense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

This debt didn't accumulate overnight. In fact, it took decades of misguided fiscal policies on the part of the Congress and the Executive Branch to get this way. But, fortunately, we have an opportunity, with our strong economy and low unemployment, to make some headway on paying down our debt.

Nearly every family in America or every business owner in America, when they come into some extra money, would use that surplus money to pay off their loans, their credit cards, etc.—whatever debt they had accumulated.

And that's precisely what the U.S. government should do.

I don't think our Nation is any different from our families. If we have some extra money, we ought to get rid of the debt we are carrying on our back.

As my colleagues know, because of the expanding economy, CBO's April surplus estimates showed that we had attained a \$26 billion on-budget surplus in fiscal year 2000.

And I would like to remind my colleagues that \$22 billion of that \$26 billion surplus was from payroll tax overpayments to the Medicare Trust Fund.

However, of that \$26 billion surplus amount, the fiscal year 2001 budget resolution assumed we would spend \$14 billion of it.

That left \$12 billion, which I felt should be used for debt reduction, and so I sought to find a legislative remedy to have those funds allocated solely for the purpose of debt reduction.

On June 15th, by a vote of 95-3, the Senate passed an amendment to the Transportation Appropriations bill that Senator ALLARD and I sponsored, directing the remaining \$12 billion on-budget surplus to be used for debt reduction. It was a tremendous victory, but, recognizably short-lived.

Over the last two months, Congress has spent \$13.8 billion in an "emergency" supplemental appropriations package that was included as part of the Military Construction Appropriations Conference Report, and an additional \$5.5 billion has been allocated for payments for another "ag bailout" bill with the passage of the Crop Insurance Reform package.

Thus, nearly all but \$4 billion of the \$26 billion surplus has been spent, including just about all of the \$22 billion in overpayments to the Medicare Trust Fund—money that we in Congress have been talking about "lock-boxing" to prevent it from being spent in just such a manner.

With all this added spending, I would like to remind my colleagues that we



are significantly raising discretionary spending this year—a habit Congress seems reluctant to break. For example, in fiscal year 1998, Congress spent \$555 billion on discretionary spending. In fiscal year 1999 we increased discretionary spending to \$575 billion—a 4% increase over that one year.

In fiscal year 2000, if you factor in the emergency supplemental appropriations we approved two weeks ago, discretionary spending will be \$618 billion. Compared to last year's \$575 billion, if my figures are right, that is a 7.5% increase so far in discretionary spending.

How many people in this country can say that they received a 7.5% pay increase from last year?

This is outrageous, and all the more reason we can't allow spending to grow any further in FY 2000.

When given the opportunity to spend more or bring down our national debt, Congress has to learn to make the tough choices—the fiscally prudent choices.

Fortunately, we will have another opportunity to curb spending and make a dent in our national debt.

Today, we have received the expected news from CBO that our fiscal year 2000 on-budget surplus has grown to \$84 billion—\$60 billion more than was projected in January.

With such a large amount of on-budget surplus dollars at stake, I fear that, again, the temptation will be enormous to spend these dollars—and with even greater zeal than before. We must ignore the allure of spending these surpluses, and remember that the best thing we could do with these funds is use them to pay down the debt.

For those of my colleagues who support tax cuts, I would like to remind them that the only thing that we can do with these FY 2000 surplus funds this year is use them to increase spending or pay down the national debt. That's it. They cannot be used for tax cuts because the fiscal year is almost over.

I have recently read an excellent paper written by Peter B. Sperry, who is the Grover M. Hermann Fellow in Federal Budgetary Affairs at the Heritage Foundation, regarding our obligation to use our surplus dollars to pay down our national debt.

I believe each of my colleagues should read this compelling article, and I ask unanimous consent that a copy of the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit I.)

Mr. VOINOVICH. Mr. President, I agree with the conclusion that Mr. Sperry reaches in his paper, and that is, Congress needs to enact legislation that will automatically take the \$60 billion windfall we just received for fiscal year 2000 and use it to pay down the debt.

The bill that Mr. Sperry says that Congress needs to pass is H.R. 4601, the Debt Reduction Reconciliation Act of 2000. Fortunately, on June 20th, the House of Representatives passed H.R. 4601, by a vote of 419-5. An overwhelming majority—just think of it.

I have reviewed this bill, and I believe H.R. 4601 is our last hope to pass meaningful debt-reduction legislation this year. That is why I asked that this bill be held at the desk and put on the Senate's calendar, instead of being sent to Committee. We must consider this legislation now, and we need to let the American people know that Congress is serious about reducing the national debt and not merely paying lip-service towards that goal.

In particular, the bill establishes an off-budget account at the U.S. Treasury that would be called the Public Debt Reduction Payment Account. Any funds that are over the amount specified in CBO's January surplus estimate of \$24 billion would be transferred to the Account, where they would be automatically used to reduce the debt. Thus, \$60 billion in on-budget surplus funds for FY 2000 would be directed towards debt reduction.

My fear is that before any of the extra FY 2000 funds actually go towards debt reduction, Congress and the President—especially the President—will say, “well, we've got the money, let's spend it and get out of town.” But Mr. President, that's definitely not how it should work.

We have a moral obligation to use this money to pay down the debt, and I would like to read a quote from General Accounting Office (GAO) Comptroller General David Walker that hits the nail right on the head regarding that obligation. In testimony before the House Ways and Means Committee last year, Mr. Walker said:

This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

To me, the most important thing that we can do on behalf of our children and our grandchildren is to remove the yoke of this debt burden from their backs. If we do so, it will strike a blow for their future and for the future of our nation.

It is the responsibility of the House and the Senate to “stop the hemorrhaging of spending” by agreeing to let the remaining on-budget surplus for FY 2000 go towards paying down the national debt. H.R. 4601 will meet that challenge, and it is now up to the Senate to pass this bill. Let's get it done, Mr. President, and let's get it done now.

I thank the Chair, and I yield the floor.

#### EXHIBIT I

[From The Heritage Foundation, June 13, 2000]

#### HOW TO PROTECT THE SURPLUS FROM WASTEFUL SPENDING

(By Peter B. Sperry)

Although most Americans assume that a federal budget surplus in any year is automatically used to reduce the national debt, or at least the debt held by the public, this actually is not the case. The U.S. Department of the Treasury must implement specific financial accounting procedures if it is to use a cash surplus to pay down the debt held by the public. If these procedures are not followed, or if they proceed slowly, then the surplus revenue just builds up in the Treasury's operating cash accounts.

This excess cash could be used in the future to further reduce the debt, but only if it is protected from other uses in the meantime. Until the excess cash is formally committed to debt repayment, Congress could appropriate it for other purposes. Consequently, the current surplus will not automatically reduce the publicly held national debt of \$3.54 trillion unless Congress acts now to make sure these funds are automatically used for debt reduction and for no other purpose.

There is a parallel to this in household finance. When a family with a large mortgage, credit card debt, and several student loans receives an unexpected financial windfall, it usually deposits the funds in a checking account and takes a little time to consider how best to allocate the revenue—whether to refinance the mortgage, pay off credit cards, or establish a rainy day fund. Meanwhile, the family's debt remains, and will not be reduced until the family formally transfers funds to one or more of its creditors. If the family does not take some action in the interim to wall off the cash, it often ends up frittering away the money on new purchases, and the debt remains.

The federal government faces a similar situation. Surplus revenues are accumulating in the Treasury Department's operating cash accounts faster than the Bureau of the Public Debt can efficiently dedicate them to reducing the public debt. Consequently, surplus balances in these accounts have reached historic levels, and they are likely to accumulate even faster as the size of the surplus grows. Unless Congress takes formal action to protect these funds, they are available to be used or misused at anytime in the appropriations process. Fortunately, the House soon will consider a bill (H.R. 4601) that would protect the budget surplus from being raided by appropriations until prudent decisions can be made about its use.

#### WHY DEBT REDUCTION NEEDS A BOOST

Thanks to unexpected budget surpluses, the U.S. Department of the Treasury issued less new debt than it redeemed each year. It conducted several “reverse” auctions to buy back old high-interest debt. And it successfully reduced the amount of federal debt held by the public in less than three years by \$230 billion, from \$3.77 trillion in October 1997 to \$3.54 trillion in April 2000. Chart 1 clearly shows that its efforts have been successful and impressive.

Despite this effort, the Treasury still is awash in cash. Examining the Treasury Department's monthly reports over this same period (see Appendix) reveals that, after accounting for normal seasonal fluctuations, the closing balances of its operating cash accounts have grown dramatically and, more important, the rate at which cash is accumulating in them has accelerated. The linear



trend line in Chart 2 shows both the growth in the closing balances in the cash accounts and the projected growth under current conditions. Essentially, if no provisions are made to protect these balances, in August 2002—two months before the midterm elections—appropriators would have access to almost \$60 billion in non-obligated cash.

Unfortunately, even this projection may be too conservative. Examination of month-to-month changes in the closing balances indicates that the rate of cash accumulation has started to accelerate, which will cause the closing balances to grow even faster. The trend line in Chart 3 shows that the amount of positive monthly change in closing cash balances has, after accounting for normal fluctuation, increased since October 1997, and cash balances could start to increase by an average of \$20 billion per month within two years.

The Treasury Department faces extraordinary cash management challenges as it attempts to repay the debt held by the public steadily and without destabilizing financial markets that depend on federal debt instruments as a standard of measurement. By protecting accumulated cash balances from misuse, Congress could provide the Treasury Department with the flexibility it needs to do its job more effectively.

#### TREASURY'S LIMITED DEBT MANAGEMENT TOOLS

The Treasury relies on three basic debt management tools to reduce the debt held by the public in a controlled manner.

**Issuing Less Debt.** As old debt matures and is redeemed, the Treasury Department issues a slightly smaller amount of new debt in return, thereby reducing the total debt held by the public. This is the federal government's most cost-effective and preferred method of debt reduction. However, it is not a simple process to determine how much new debt should be issued. If the Treasury Department returns too much debt to the financial market, it misses an opportunity to retire additional debt. If it returns too little to the markets, the cost of federal debt instruments will rise, driving down their yields and disrupting many private-sector retirement plans.

**Reverse Auctions.** The Treasury Department periodically conducts reverse auctions in which it announces that it will buy a predetermined amount of specific types of debt instruments from whoever will sell them for the best price. This method quickly reduces debt held by the public, but it can be expensive. Investors holding a T-bill that will be worth \$1,000 in 20 years may be willing to sell it for \$995 if they need the money now and believe that is the best price they can get. However, if they know the Treasury Department has made a commitment to buy a large number of T-bills in a short period of time, investors may hold out for \$997—a premium of \$2 million on every \$1 billion of debt the Treasury Department retires.

**Purchasing Debt Instruments.** The Treasury Department can use private-sector brokers to purchase federal debt instruments on the open market without having it revealed that the client is the federal government. This method is slow, but it allows the Treasury Department to take advantage of unpredictable fluctuations in financial markets to buy back federal debt instruments for the best possible price. This method must be used carefully and discreetly to avoid having investors, upon realizing that the true buyer is the federal government, hold out for higher prices.

#### WHY TIMING AND FLEXIBILITY ARE IMPORTANT

The Treasury Department needs time and flexibility to use debt management tools effectively. It often will need to allow large balances to accumulate in the operating cash accounts while it waits for the opportunity to buy back federal debt instruments at the best possible price. If these balances are unprotected, they may prove irresistible temptations for appropriators with special-interest constituencies.

A prudent Secretary of the Treasury would not risk disrupting financial markets by recklessly reducing the amount of new debt issued each year, but might increase the number and size of reverse auctions to ensure that surplus revenues are used for debt reduction rather than remain available to congressional appropriators. The taxpayers would, at best, pay more than necessary to retire the federal debt, and they might find that appropriators have spent the surplus before it could be used to pay down debt.

#### MAKING DEBT REDUCTION AUTOMATIC

Fortunately, Congress has the opportunity to ensure that the Treasury's large cash balances are not misused in the appropriations process. The U.S. House of Representatives will soon consider H.R. 4601, the Debt Reduction Reconciliation Act of 2000, recently approved by the House Ways and Means Committee. This legislation, sponsored by Representative Ernest Fletcher (R-KY), is designed to give the Treasury Department the time and flexibility it needs to use debt management tools most effectively. It would protect the on-budget surplus revenues collected during the remainder of fiscal year (FY) 2000 and appropriate them for debt reduction by depositing them in a designated "off budget" Public Debt Reduction Account.

Although the surplus revenues could still cause an increase in cash balances, the cash would be dedicated in the Debt Reduction Account rather than in the Treasury Department's operating cash account. Appropriators would be able to reallocate these funds only by first rescinding the appropriation for debt reduction in legislation that would have to pass both houses of Congress and gain presidential approval. Once surplus revenues are deposited in the Debt Reduction Account, appropriators would have very limited ability to increase spending without creating an on-budget deficit, which many taxpayers would perceive as a raid on the Social Security trust fund.

H.R. 4601 would effectively protect the surplus revenues that are collected during the remainder of FY 2000; moreover, it serves as model for how Congress should allocate unexpected windfalls in the future. It does not preclude tax reform because it is limited to the current fiscal year and therefore affects only revenues that have already been collected or that will be collected before any tax reform legislation takes effect. Nevertheless, once the Debt Reduction Account is established, Congress could continue to appropriate funds to the account at any time. Consequently, Congress would retain the option to reduce revenues through tax reform and still have a mechanism to prevent unexpected surplus revenues, once collected, from being used for any purpose other than debt reduction.

H.R. 4601 would give the Treasury flexibility to use its debt reduction tools in the most effective manner. Surplus revenues deposited in the Debt Reduction Account would remain available until expended, but only for debt reduction. The department would be able to schedule reverse auctions at

the most advantageous times, make funds available to brokers buying back debt on the open markets or decrease the size of new debt issues—depending on which mechanism, or combination of tools, proves most cost effective. There would no longer be pressure to "use it or lose it."

#### HOW TO IMPROVE H.R. 4601

Although H.R. 4601 demonstrates a real commitment of members of the House to fiscal discipline, the legislation could be improved. Congress should consider requiring the Secretary of the Treasury also to deposit all revenue received from the sale of Special Issue Treasury Bills (which are sold only to the Social Security Administration) in the Debt Reduction Account. This would preclude the possibility of any future raids on the Social Security trust fund.

Congress should also consider adding language to H.R. 4601 to automatically appropriate future real (rather than projected) surplus revenues to the Debt Reduction Account. This would allow Congress the flexibility to implement tax reforms while also guaranteeing that surplus revenues, once collected, could be used only for debt reduction.

#### CONCLUSION

Many Americans assume that if surplus revenues are not used for spending or tax cuts, they automatically reduce the national debt. Indeed, this has become an unstated premise in discussions of fiscal policy, whether in the press, academia, or Congress. Unfortunately, the premise is incorrect.

To make the premise true, the Treasury Department should be able to make specific provisions for retiring debt. If it is not given the power and obligation to do so, the surplus revenues accumulating in its operating cash accounts will be subject to misuse by appropriations. Congress has an opportunity and obligation to give the Treasury Department the time and flexibility it needs to utilize its debt management tools effectively when it considers H.R. 4601. This bill offers an effective first step toward the goal of making sure that budget surpluses do not disappear in new spending programs.

#### WHAT IS THE NATIONAL DEBT?

The national debt consists of Treasury notes, T-bills, and savings bonds that were sold to raise cash to pay the ongoing operational expenses of the federal government. National debt held by the public consists of debt instruments sold to anyone other than a federal trust fund. Most federal debt held by the public is owned by state and local governments, pension plans, mutual funds, and individual retirement portfolios.

Most investors consider federal debt instruments to be cash equivalents that pay interest, and they are strongly motivated to hold them until maturity—up to 30 years in the case of T-bills. Many institutional investors, particularly pension funds, are required to maintain a certain portion of their portfolio in cash equivalents, and they depend on the federal government to issue new debt when their old investments mature and are redeemed. In addition, many lenders, particularly mortgage companies, use the market price of federal debt instruments as a measurement device to determine appropriate rates of return on alternative investments. These lenders rely on the federal government to maintain enough federal debt in circulation to make this measurement valid.

#### APPENDIX

## U.S. TREASURY OPERATING CASH AND TOTAL PUBLIC DEBT: OCTOBER 1997–APRIL 2000

[In millions of dollars]

	Treasury operating cash: opening balance	Treasury operating cash: closing balance	Change	Total borrowing from the public: opening balance	Total borrowing from the public: closing balance	Change
1997:						
Oct .....	\$43,621	\$20,261	-\$23,360	\$3,771,141	3,777,456	\$6,315
Nov .....	20,261	19,778	-483	3,777,456	3,806,564	29,108
Dec .....	19,778	31,885	12,107	3,806,564	3,804,792	-1,772
1998:						
Jan .....	31,885	40,307	8,422	3,804,792	3,779,985	-24,807
Feb .....	40,307	16,280	-24,027	3,779,985	3,810,549	30,564
Mar .....	16,280	27,632	11,352	3,810,549	3,830,686	20,137
Apr .....	27,632	88,030	60,398	3,830,686	3,770,099	-60,587
May .....	88,030	36,131	-51,899	3,770,099	3,761,503	-8,596
Jun .....	36,131	72,275	36,144	3,761,503	3,748,885	-12,618
Jul .....	72,275	36,065	-36,210	3,748,885	3,732,515	-16,370
Aug .....	36,065	36,427	362	3,732,515	3,766,504	33,989
Sep .....	36,427	37,878	1,451	3,766,504	3,720,092	-46,412
Oct .....	37,878	36,217	-2,661	3,720,092	3,735,422	15,330
Nov .....	36,217	15,882	-20,335	3,735,422	3,757,558	22,364
Dec .....	15,882	17,503	1,621	3,757,558	3,752,168	-5,390
1999:						
Jan .....	17,503	57,070	39,567	3,752,168	3,720,919	-31,249
Feb .....	57,070	4,638	-52,432	3,720,919	3,722,607	1,688
Mar .....	4,638	21,626	16,988	3,722,611	3,759,624	37,013
Apr .....	21,626	58,138	36,512	3,759,624	3,674,416	-85,208
May .....	58,138	25,643	-32,495	3,674,416	3,673,865	-551
Jun .....	25,643	53,102	27,459	3,673,865	3,651,619	-22,246
Jul .....	53,102	39,549	-13,553	3,651,619	3,652,812	1,193
Aug .....	39,549	36,389	-3,160	3,652,812	3,679,282	26,470
Sep .....	36,389	56,458	20,069	3,681,008	3,633,290	-47,718
Oct .....	56,458	47,567	-8,891	3,632,958	3,638,712	5,754
Nov .....	47,567	6,079	-41,488	3,639,079	3,645,212	6,133
Dec .....	6,079	83,327	77,248	3,645,212	3,680,961	35,749
2000:						
Jan .....	83,327	62,735	-20,592	3,680,961	3,596,976	-83,985
Feb .....	62,735	21,962	-40,773	3,596,976	3,613,701	17,131
Mar .....	21,962	44,770	22,808	3,613,701	3,653,447	39,746
Apr .....	44,770	92,557	47,787	3,653,447	3,540,781	-112,666

Sources: U.S. Department of the Treasury, Monthly Treasury Statements, at <http://www.fms.treas.gov/mts/>.

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. LOTT. Mr. President, we are working with the managers of various pieces of legislation to determine the best way to proceed. Senator DASCHLE and I have been discussing how to proceed. We have had a very busy time over the past 8 days. We have had a lot of votes. We have completed a lot of work: The Department of Defense authorization bill—actually, we completed that with debate at night—the Interior appropriations bill today, the death tax elimination legislation last Friday, and the marriage tax penalty today.

The question is how to proceed at this point. We hope we can complete action on the foreign operations appropriations bill so it can go to conference, as we did yesterday on the legislative appropriations bill.

Our colleagues will recall, we did take that up but didn't complete it. We need to get that done so that can go to conference and the House and Senate conferees can begin working with the administration to get that important legislation passed. I know they have interest in it. We do, too.

We are also committed to getting four appropriations bills done before we go out for the August recess: Agriculture, which is, I believe, ready to proceed. The managers are in the area. Senator COCHRAN and Senator KOHL are in the area; The energy and water appropriations bill is ready to go when we complete Agriculture; Treasury-Postal Service will be ready next week, and Commerce-State-Justice.

That would be 11 appropriations bills. That would still leave the HUD-VA appropriations bill and the DC appropriations bill. But for a variety of reasons, we probably could not get those two done until some time in September, maybe even the middle of September anyway.

Now, there are other issues in which Senators are interested. We have been discussing ways to proceed to them, or if we could proceed to them. We had discussed the possibility of going to the NCAA gaming issue. I discussed that with some of the advocates on this side of the aisle at noon today. I understand, in fact, we may not be able to proceed to that because we have to clear it with a lot of different Senators. But we will continue to look to see if we can find a way to have that legislation considered.

Senator DASCHLE will want to comment on a number of these things, and maybe ask questions, too.

We still have pending the Elementary and Secondary Education Act. We put about a week or more into that legislation. A lot of amendments have been offered and voted on. There is a feeling, I hope, on both sides of the aisle that

we would still like to actually complete that legislation.

I would like to consider working on it and at some point proceed the way we did on the Defense authorization bill so we actually get it completed. I am going to talk more with Senator DASCHLE about that. He will want to consult, I am sure, with the ranking member on his side. I will want to consult with the chairman on our side, Senator JEFFORDS, and Senator CRAIG, and others who are involved in that.

I continue to urge the Judiciary Committee to make progress on judicial nominations. There are a number of nominations that have had hearings, nominations that are ready for a vote, and other nominations that have been pending for quite some time that should be considered.

I have discussed this matter regularly with Senator HATCH, including last Friday afternoon and, again, just briefly yesterday. I cannot make the Judiciary Committee vote. I cannot tell them who to vote on, but I can urge them to continue to work on those nominations that can be cleared and can be reported to the Senate.

I have been assured by the chairman that they are going to have a markup and report out some judges on Wednesday of this week or—I thought it was Wednesday. Has it been moved to Thursday? I thought it was 10 o'clock on Wednesday. But they are going to report out judges this week and have at least one more hearing before the August recess. They expect to report out another group of judges next week. In that group will be not only district

judges but circuit judges. So I want to make that record clear.

With regard to the issue a lot of Senators are interested in, the China permanent normal trade relations issue, we have to finish the appropriations bills. But we are discussing now a procedure, which we can discuss, that would allow us to go ahead and proceed to it, take some action on it next week but recognize that because of the time that could be required in having to debate and file cloture on a motion to proceed, and other cloture motions that might be necessary, we would not be able to complete it and do the appropriations bills next week.

Also, I continue to have a desire to find a way for the Thompson-Torricelli issue to be considered, either freestanding or as an amendment. So we need to get that resolved before we actually move to proceed to the China PNTR bill.

But I can see, again, the possibility of doing some work on that freestanding at night or doing it as an amendment, or, of course, he may reserve his right and may, in fact, believe he has to actually offer it when we go to China PNTR.

So what I am proposing here—and I would like Senator DASCHLE to comment on it—is that we go ahead and complete action on the foreign operations appropriations bill, send it to conference; that we go to the Agriculture appropriations bill; that we then take up the other appropriations bills in this group—energy and water, Treasury-Postal Service, and CJS—but that we work to see if we can proceed at night, perhaps on Thursday, perhaps next Monday, on the Elementary and Secondary Education Act. I need to consult with Senators that have been involved in that from the committee—the chairman and others I mentioned—and Senator DASCHLE needs to do the same thing.

If we could get an understanding that we would work on all these, we would also entertain the idea of proceeding to the China PNTR legislation next Wednesday. I believe, as it now stands, I would have to file a cloture motion on that. That cloture, then, would ripen on Friday; I believe that would be the 28th of July, which would be the Friday that we would hope to go out for the August recess. That would be the final action, unless 30 hours had to be run off of it at that time. Then we would go back to that when we come back after the August recess in September. The positive effects of that would be that we would show clearly we intend to go to this legislation.

We are going to work together to get these appropriations bills done. We are going to go to China PNTR. We are going to get over the first hurdle, recognizing that there are several other hurdles that could require quite a bit of time to complete.

But those are sort of the parameters of what Senator DASCHLE and I and others have been talking about.

I say to Senator DASCHLE, why don't I yield the floor so you can make comments on that and/or ask any questions.

Mr. MCCAIN. Mr. President, may I ask a brief question.

The majority leader discussed with me earlier, off the floor, about the possibility of bringing up the NCAA prohibition of betting on college sports. This bill was passed overwhelmingly through the committee after hearings. Every college coach in America is committed to this proposition that betting on college sports should stop.

I would allege there would be a vote of 98-2 in this Senate, if it came to a vote. It is something I think we could get done. I think we could get it done quickly. Every college coach in America, the most respected men and women in America, are saying that these young people are tempted by this gambling and by this betting.

It was a unanimous recommendation of the National Gaming Impact Study Commission. I hope that the majority leader and the Senator from South Dakota would enter into a time agreement so we could get this done and stop what every college coach in America is saying is an outstanding evil and temptation that needs to be removed from these young Americans who have been basically put in their charge.

I hope the majority leader will consider, in consultation with the Democratic leader, that we bring this bill up, get it passed, and get it on the President's desk.

Mr. LOTT. If I could respond to Senator MCCAIN's comments, as I indicated to him at lunch, I was prepared and am prepared to move to proceed to that issue. I understand perhaps there may be objection to proceeding. I had hoped maybe we could get an agreement to go ahead and proceed. But we can call it up, and if there is objection, there is objection. We will have to deal with it at that point.

Of course, one option is to file cloture to try to overcome that objection. But we would have to factor in the time that would take and how that would play in all these other issues we are trying to balance.

Senator DASCHLE and I thought maybe we could go to it, but we have an obligation. Just like I had to talk to Senator MCCAIN, I need to talk to Senator BROWNBACK. He has Senators he needs to talk to. I believe—I do not want to speak for him—he indicated he thought perhaps there would be an objection to proceeding. We did not think that was the case as early as 11 o'clock today. We will continue to work with the Senator because I am committed to working with him and Senator BROWNBACK to find a way for this issue to come up and be considered. If we can

ever get it to a vote, I think the Senator is right; it is going to pass overwhelmingly.

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the majority leader in regard to the NCAA bill. I think there is broad support for it. But I also recognize that every Senator is within his or her rights to object and to prolong consideration of any bill for whatever length of time the rules might allow.

We have colleagues on this side of the aisle who have indicated to me that is their intention. I know we have to take that into account as we schedule legislation for the balance of this work period. I will certainly work with the distinguished chair of the Commerce Committee and the majority leader to find a time, either through an amendment or through a freestanding bill, to bring it up.

Senator LOTT has articulated very clearly the discussions he and I have had over the last hour or so. He has expressed the desire to me—not only to me, to the Senate on several occasions—that we finish at least 11 appropriations bills. I have indicated my hope that we could accommodate that kind of schedule, even though we recognize the disruptions in the schedule, even tomorrow, necessary disruptions. I think it is accomplishable. I would like to work with him to attempt to try to resolve these matters. I have indicated to him that a number of colleagues on this side of the aisle have indicated to me that in order for us to do that there would be a need to address a number of other issues.

The majority leader has identified each of those issues and responded just as we discussed. It is my understanding that there will be a markup in the Judiciary Committee on future judicial nominations. I hope, as the majority leader has indicated, it will include both circuit and district judges. It is my understanding that is likely to occur. He has also now indicated that we will get another batch of them done next week and that a mix of circuit and district judges is also anticipated. I am very pleased with that information and commend him for his efforts to move this process along. He has operated in extraordinarily good faith in working with me to try to move these nominations along. I know it is not easy. It is very difficult. But he has certainly been a major factor in getting us to this point.

We have again indicated the desire, as we have on several occasions, to bring up PNTR, at least through a motion to proceed beginning next Wednesday. I subscribe to his suggestion or his proposal that would allow us to vote on cloture on the motion to proceed on Friday. We would then have 30 hours of debate. Senators who wish to discuss the matter beyond the vote or perhaps preceding the vote would certainly be

entitled to do so. We could have the vote either on Friday or immediately after we come back. That would accommodate at least overcoming one major hurdle. I applaud him for approaching the issue in that way.

Third, we have discussed on several occasions on the floor our hope and desire that we can use the dual track that worked very successfully in accommodating Senators' needs to address a number of issues but also in finishing legislation, as we did with the Defense authorization bill. There came a point when we had exhausted the amendment process and rightfully brought the issue to closure. I hope, as Senator LOTT has noted, that we might be able to do that with ESEA as well. It is important for us to resume this dual track. I am very pleased with the majority leader's commitment to continue a dual-track process over the course of the next couple of weeks. We have the opportunity to get a lot of work done—work on appropriations bills, work on judges, work on PNTR, and work on ESEA—as a dual-track vehicle with which we can work to offer other amendments. I am pleased with our discussions and hope we can proceed with that understanding.

I, again, thank the majority leader for his willingness to work with us and accommodate all of these important matters.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment both leaders. This is incredibly complex, all of the scheduling. We have had lots of conversations. Every Senator in this body has had conversations with both of them, and I know they are trying to do their very best to work all this out. Not getting into any specific item, I am appreciative of the tone and nature of the conversation I have just heard and of the items mentioned. As one Senator, I wanted to tell them how much I appreciate their working together to get these things up along the lines they have outlined.

Mr. LEVIN. Will the majority leader yield?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I am glad to yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, I add my thanks to the two leaders for their efforts. We watch them with admiration as they seek to work through these multiple challenges. We have had many discussions concerning one of the items about which they talked. I just couldn't sit here without adding my gratitude to both of them.

Mr. LOTT. I thank the Senator.

Let me note, for instance, the types of things we do need to accommodate. The Senate tomorrow will want to accommodate Senators wishing to attend the services for Senator Pastore, a

great Senator from the State of Rhode Island. A delegation will be attending those services tomorrow morning. We will continue to work, but we will withhold the votes or stack the votes, if any are required, until the afternoon at 2 or 2:30. I don't know exactly what time it would be, but I know Senator COCHRAN would want to do that. That is the kind of situation we have to try to accommodate. We can't always dictate how we will proceed because we want to do this in memory of a Senator who served in this body for many years.

We will continue to act in good faith to try to make sure Senators' wishes are known and accommodated. We may not be able to get them all worked out. As to the NCAA gaming, I thought maybe we could move to proceed to that without objection, but there may be a legitimate one. I had promised a couple of Senators we would make sure they knew of that.

I will also need to talk to Senators about the best night that we could do some work on ESEA. Senator DASCHLE will want to do the same in view of that.

Mr. DASCHLE. Mr. President, if the majority leader will withhold, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I understand there may be some clarification that needs to be completed before we can proceed to the appropriations bill for Agriculture.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 4811, the House-passed foreign operations appropriations bill. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 2522, as amended, be inserted in lieu thereof, the bill be read the third time and passed with the motion to reconsider laid upon the table.

The bill (H.R. 4811), as amended, was read the third time and passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 4811) entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise ap-*

*propriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:*

#### TITLE I—EXPORT AND INVESTMENT ASSISTANCE

##### EXPORT-IMPORT BANK OF THE UNITED STATES

*The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.*

##### SUBSIDY APPROPRIATION

*For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$768,000,000 to remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2019 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2001, 2002, 2003, and 2004: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.*

##### ADMINISTRATIVE EXPENSES

*For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$25,000 for official reception and representation expenses for members of the Board of Directors, \$58,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2001.*

##### OVERSEAS PRIVATE INVESTMENT CORPORATION

##### NONCREDIT ACCOUNT

*The Overseas Private Investment Corporation is authorized to make, without regard to fiscal*

year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$38,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

#### PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2001 and 2002: Provided further, That such sums shall remain available through fiscal year 2010 for the disbursement of direct and guaranteed loans obligated in fiscal years 2001 and 2002: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$46,000,000, to remain available until September 30, 2002: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2002, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

#### TITLE II—BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

##### AGENCY FOR INTERNATIONAL DEVELOPMENT DEVELOPMENT ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, and title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533), \$1,368,250,000, to remain available until September 30, 2002: Provided, That of the amount appropriated under this heading, up to \$14,400,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That of the funds appropriated under this heading, not less than \$425,000,000 shall be made

available to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with

local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, \$2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): Provided further, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, not less than \$310,000,000 shall be made available for agriculture and rural development programs of which \$30,000,000 shall be made available for plant biotechnology research and development: Provided further, That of amounts made available in the preceding proviso for plant biotechnology activities, \$1,000,000 shall be made available for the University of Missouri International Laboratory for Tropical Agriculture Biotechnology, not less than \$1,000,000 shall be made available for research and training foreign scientists at the University of California, Davis, and not less than \$1,000,000 shall be made available to support a Center to Promote Biotechnology in International Agriculture at Tuskegee University: Provided further, That not less than \$4,000,000 shall be made available for the International Fertilizer Development Center: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading not less than \$500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than \$17,000,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, not less than \$2,000,000 shall be available to support an international media training center: Provided further, That of the funds appropriated under this heading, and the heading "Assistance for the Independent States", up to \$7,000,000 should be made available for Carelift International: Provided further, That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half should be made available for programs providing loans of less than \$300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans: Provided further, That of the funds appropriated under this heading, up to \$1,500,000 may be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation: Provided further, That of the funds to be appropriated under this heading, \$2,500,000 is available for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues

such as infectious disease, and other environmental indicators and warnings as they pertain to the security of an area: Provided further, That of the amount appropriated or otherwise made available under this heading, \$1,500,000 shall be available only for Habitat for Humanity International, to be used to purchase 14 acres of land on behalf of Tibetan refugees living in northern India and for the construction of a multiunit development for Tibetan families.

#### GLOBAL HEALTH

For necessary expenses to carry out the provisions of Chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities, in addition to funds otherwise available for such purposes, \$651,000,000 to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than the amount of funds appropriated under the headings "Development Assistance" and "Child Survival and Disease Program Fund", for programs for the prevention, treatment, and control of, and research on, infectious diseases in developing countries in fiscal year 2000 shall be made available for such activities in fiscal year 2001, of which amount not less than \$225,000,000 shall be made available for such programs for HIV/AIDS including not less than \$15,000,000 which shall be made available to support the development of microbicides as a means for combating HIV/AIDS: Provided further, That of the funds appropriated under this heading for infectious diseases, not less than \$35,000,000 should be made available for programs for the prevention, treatment, control of, and research on tuberculosis, and not less than \$50,000,000 should be made available for programs for the prevention, treatment, and control of, and research on, malaria: Provided further, That of the funds appropriated under this heading, not less than \$50,000,000 shall be made available for a United States contribution to the Global Fund for Children's Vaccines, notwithstanding any other provision of law: Provided further, That of the funds appropriated under this heading, not less than \$1,200,000 should be made available to assist blind children.

#### CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than \$15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

#### LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than \$18,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That not less than \$15,000,000 of the funds made available under this heading shall be made available from funds appropriated under the Economic Support Fund.

#### IRAQ

Notwithstanding any other provision of law, of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than \$25,000,000 shall be made available for programs benefitting the Iraqi people, of which not less than \$15,000,000 shall be made available for food, medicine, and other humanitarian assistance (including related administrative, communications, logistical, and transportation costs) to be provided to the Iraqi people inside Iraq: Provided, That such as-

sistance shall be provided through the Iraqi National Congress Support Foundation or the Iraqi National Congress: Provided further, That not less than \$10,000,000 of the amounts made available for programs benefitting the Iraqi people shall be made available to the Iraqi National Congress Support Foundation or the Iraqi National Congress for the production and broadcasting inside Iraq of radio and satellite television programming: Provided further, That the President shall, not later than 30 days after the date of enactment of this Act, submit to the Committees on Appropriations of the Senate and the House of Representatives a plan (in classified or unclassified form) for the transfer to the Iraqi National Congress Support Foundation or the Iraqi National Congress of humanitarian assistance for the Iraqi people pursuant to this paragraph, and for the commencement of broadcasting operations by them pursuant to this paragraph.

#### BURMA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than \$6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

#### CONSERVATION FUND

Of the funds made available under the headings "Development Assistance" and "Economic Support Fund", not less than \$3,000,000 shall be made available to support the preservation of habitats and related activities for endangered wildlife.

#### PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

#### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$220,000,000, to remain available until expended.

#### DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For administrative expenses to carry out the direct and guaranteed loan programs, \$4,000,000, which may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development".

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$44,489,000.

#### OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$510,000,000.

#### OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, \$25,000,000, to remain available until September 30, 2002, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

#### OTHER BILATERAL ECONOMIC ASSISTANCE

##### ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,220,000,000, to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than \$840,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That not less than \$695,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than \$200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That for fiscal year 2001, up to the Egyptian pound equivalent of \$50,000,000 generated from funds made available by this paragraph or generated from funds appropriated under this heading in prior appropriations Acts, may be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following activities under such Agreements: up to the Egyptian pound equivalent of \$35,000,000 may be made available for costs associated with the relocation of the American University in Cairo, and up to the Egyptian pound equivalent of \$15,000,000 may be made available for projects and programs including establishment of an endowment, which promote the preservation and restoration of Egyptian antiquities, of which up to the Egyptian pound equivalent of \$3,000,000 may be made available for the Theban Mapping Project: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement at least equivalent to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than \$150,000,000 shall be made available for assistance for Jordan: Provided further, That of funds made available under this heading not less than \$2,000,000 shall be available to support the American Center for Oriental Research: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for assistance for East Timor of which up to \$1,000,000 may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development": Provided further, That up to \$10,000,000 of the funds appropriated under this heading should be used, notwithstanding any other provision of



law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

#### ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$635,000,000, to remain available until September 30, 2002, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than \$89,000,000 shall be made available for assistance for Montenegro: Provided further, That of the funds made available under this heading and the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not to exceed \$75,000,000 shall be made available for Bosnia and Herzegovina: Provided further, That of the funds appropriated under this heading and made available to support training of local Kosova police and the temporary International Police Force (IPF), not less than \$250,000 shall be available only to assist law enforcement officials to better identify and respond to cases of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than \$60,000,000 should be made available for Croatia: Provided, That the Secretary of State shall make funds for activities and projects in Croatia available only after certifying that the Government of Croatia is fulfilling its declared commitments: (1) to cooperate with the International Criminal Tribunal for Yugoslavia including providing documents; (2) to take immediate steps to end Croatian financial, political, security, and other support which has served to maintain separate Herceg Bosna institutions; (3) to establish a swift timetable and cooperate in support of the safe return of refugees; and (4) to accelerate political, media, electoral and anti-corruption reforms: Provided further, That the Secretary of State shall report to the Committees on Appropriations 90 days after the date of enactment of this Act on the progress achieved by the Government of Croatia in fulfilling pledges made to meet the preceding proviso.

(c) None of the funds made available under this heading for Kosova shall be made available until the Secretary of State certifies that the resources obligated and expended by the United States in Kosova do not exceed 15 percent of the total resources obligated and expended by all donors: Provided, That none of the funds made available under this heading for Kosova shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading for Kosova, not less than 50 percent shall be made available through non-government organizations: Provided further, That of the funds made available under this heading for Kosova, not less than \$1,300,000 shall be made available to support the National Albanian American Council's training program for Kosovar women: Provided further, That of the funds appropriated under this heading not less than \$750,000 shall be made available for a joint project developed by the University of Pristina, Kosova and the Dartmouth Medical School, U.S.A., to help restore the primary care capabilities at the University of Pristina Medical School and in Kosova.

(d) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(e) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(f) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(g) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(h) The provisions of section 532 of this Act shall apply to funds made available under subsection (g) and to funds appropriated under this heading.

(i) The President shall withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

#### ASSISTANCE FOR THE INDEPENDENT STATES

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$775,000,000, to remain available until September 30, 2002: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than \$20,000,000 shall be made available solely for the Russian Far East, not less than \$400,000 shall be made available to support the Cochran Fellowship Program in Russia, and not less than \$250,000 shall be made available to support the Moscow School of Political Studies: Provided further, That of the funds appropriated under

this heading, not less than \$1,500,000 shall be available only to meet the health and other assistance needs of victims of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than \$175,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than \$25,000,000 shall be made available for nuclear reactor safety initiatives, not less than \$1,000,000 shall be made available to the University of Southern Alabama to study environmental causes of birth defects, and not less than \$5,000,000 shall be made available for the Ukrainian Land and Resource Management Center.

(c) Of the funds appropriated under this heading, not less than \$94,000,000 shall be made available for assistance for Georgia of which not less than \$25,000,000 shall be made available to support Border Security Guard initiatives, and not less than \$5,000,000 shall be made available for development and training of municipal officials in water resource management, transportation and agribusiness.

(d) Of the funds appropriated under this heading, not less than \$89,000,000 shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 7 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(g) Of the funds appropriated under title II of this Act not less than \$12,000,000 shall be made available for assistance for Mongolia of which not less than \$6,000,000 should be made available from funds appropriated under this heading: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases; and

(B) activities authorized under title V (Non-proliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(i) None of the funds appropriated under this heading may be made available for assistance for the Government of the Russian Federation

until the Secretary of State certifies that: (a) the Government of the Russian Federation is fully cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya; and, (b) the Government of the Russian Federation is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya: Provided, That of the funds appropriated under this heading for assistance for Russia, not less than \$10,000,000 shall be made available to non-government organizations providing humanitarian relief in Chechnya and Ingushetia.

#### INDEPENDENT AGENCY

##### PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$244,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside the United States: Provided, That \$24,000,000 of such sums be made available from funds already appropriated by the Act, that are not otherwise earmarked for specific purposes: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2002.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$220,000,000.

##### MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$615,000,000, which shall remain available until expended: Provided, That not more than \$14,000,000 shall be available for administrative expenses: Provided further, That funds appropriated under this heading to support activities and programs conducted by the United Nations High Commissioner for Refugees shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not less than \$60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

##### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), \$15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

##### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, \$215,000,000, to carry out the provisions of

chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Non-proliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through non-governmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That 20 days prior to the obligation of funds for use by the Comprehensive Test Ban Treaty Preparatory Commission, the Secretary of State shall provide a report to the Committees on Appropriations describing the anticipated use of such funds: Provided further, That of this amount not to exceed \$15,000,000, to remain available until expended, may be made available for the Non-proliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, \$40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed \$500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

#### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), \$5,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

##### DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Finance

ing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), \$75,000,000, to remain available until expended: Provided, That of this amount, funds may be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Trust Fund administered by the International Bank for Reconstruction and Development: Provided further, That funds made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Initiative (HIPC) or the HIPC Trust Fund shall be subject to authorization and approval by Congress: Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated hereunder or previously appropriated under this heading: Provided further, That the authority provided by section 572 of Public Law 100-461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

#### TITLE III—MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$55,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

##### FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$3,519,000,000: Provided, That of the funds appropriated under this heading, not less than \$1,980,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.26 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than \$75,000,000 shall be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than \$10,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not

less than \$4,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph, not less than \$12,000,000 shall be made available for Georgia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than \$5,000,000 under the authority of this proviso for Georgia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That pursuant to section 3(a)(2) of the Arms Export Control Act and section 505(a)(1)(B) of the Foreign Assistance Act of 1961, the United States consents to the transfer by Turkey to Georgia of defense articles sold by the United States to Turkey having an aggregate, current market value of not to exceed \$10,000,000 for fiscal year 2001: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$33,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than \$340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of De-

fense during fiscal year 2001 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlaid for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: Provided further, That withdrawal from the account shall be made only on authenticated instructions from the Defense Finance and Accounting Service: Provided further, That in the event the interest bearing account is closed, the balance of the account shall be transferred promptly to the current appropriations account under this heading: Provided further, That none of the interest accrued by the account shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

#### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$85,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$50,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended, for contributions previously due.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$750,000,000, to remain available until expended.

##### CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$4,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$80,000,000.

##### CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$10,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

##### CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$100,000,000, to remain available until expended.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$6,100,000, for the United States paid-in share of

the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$95,983,000.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$72,000,000, to remain available until expended.

##### CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$35,779,000, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$123,238,000.

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$288,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than \$5,000,000 shall be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

#### TITLE V—GENERAL PROVISIONS

##### OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

##### PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying

a foreign country's loan obligations to such institution.

#### LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed \$126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

#### LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

#### LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed \$95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed \$2,000 shall be available for entertainment expenses and not to exceed \$50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$2,000 shall be available for representation and entertainment allowances

#### PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

#### PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

#### MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

#### TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropria-

tion account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

#### DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2001, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2001.

#### AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

#### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any government which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such government by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

#### COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

#### SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

#### NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance", "Global Health", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the Agency for International Development", "Operating Expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training",

"Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

#### LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2002.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States" shall be made available for assistance

for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provi-

sions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

#### EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2001, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

#### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

#### CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to \$10,000,000 of the funds made available by this Act for assistance for health, family planning, child survival, environment, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to \$1,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

#### PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

#### DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster rule of law and democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading "Economic Support Fund" that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

#### COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

#### STINGERS IN THE PERSIAN GULF REGION

SEC. 530. (a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.

(b) ADDITIONAL TRANSFERS AUTHORIZED.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make available, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground-to-air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life.

#### DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

#### COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United



States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

#### COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

#### AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

#### IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws

of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### FUNDING PROHIBITION FOR SERBIA

SEC. 537. None of the funds appropriated by this Act may be made available for assistance for the Republic of Serbia: Provided, That this restriction shall not apply to assistance for Kosova or Montenegro, or to assistance to promote democratization: Provided further, That section 620(t) of the Foreign Assistance Act of 1961, as amended, shall not apply to Kosova or Montenegro.

#### SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

#### POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members

should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### ANTI-NARCOTICS ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961 are repealed.

#### ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2001, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) **EXCEPTION.**—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

#### earmarks

**SEC. 542.** (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

#### ceilings and earmarks

**SEC. 543.** Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

#### prohibition on publicity or propaganda

**SEC. 544.** No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

#### purchase of american-made equipment and products

**SEC. 545.** (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture com-

modities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

#### prohibition of payments to united nations members

**SEC. 546.** None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### consulting services

**SEC. 547.** The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

#### private voluntary organizations—documentation

**SEC. 548.** None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

#### prohibition on assistance to foreign governments that export lethal military equipment to countries supporting international terrorism

**SEC. 549.** (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

#### withholding of assistance for parking fines owed by foreign countries

**SEC. 550.** (a) **IN GENERAL.**—Of the funds made available for a foreign country under part I of

the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) **DEFINITION.**—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

#### limitation on assistance for the plo for the west bank and gaza

**SEC. 551.** None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

#### war crimes tribunals drawdown

**SEC. 552.** If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2001, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

#### landmines

**SEC. 553.** Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries,

subject to such terms and conditions as the President may prescribe.

#### RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

#### PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

#### COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 556. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

#### SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

- (1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;
- (2) credits extended or guarantees issued under the Arms Export Control Act; or
- (3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

#### (b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to

such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

- (1) does not have an excessive level of military expenditures;
- (2) has not repeatedly provided support for acts of international terrorism;
- (3) is not failing to cooperate on international narcotics control matters;
- (4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and
- (5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

#### AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of pur-

chasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

#### ASSISTANCE FOR HAITI

SEC. 559. None of the funds made available by this or any previous appropriations Act for foreign operations, export financing and related programs shall be made available to the Government of Haiti until the Secretary of State reports to the Committees on Appropriations that Haiti has held free and fair elections to seat a new parliament.

#### REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 560. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1999.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

#### RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 561. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons

in order to raise revenue for the United Nations or any of its specialized agencies.

(c) **DEFINITIONS.**—As used in this section the term “United States person” refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

#### HAITI NATIONAL POLICE AND COAST GUARD

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

#### LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) **PROHIBITION OF FUNDS.**—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) **WAIVER.**—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

#### LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

#### RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 565. (a) **BILATERAL ASSISTANCE.**—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

#### (b) MULTILATERAL ASSISTANCE.—

(1) **PROHIBITION.**—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) **NOTIFICATION.**—Not less than 15 days before any vote in an international financial insti-

tution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) **DEFINITION.**—The term “international financial institution” includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

#### (c) EXCEPTIONS.—

(1) **IN GENERAL.**—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(I) assistance to refugees and internally displaced persons returning to their homes in Bosnia from which they had been forced to leave on the basis of their ethnicity.

(2) **NOTIFICATION.**—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) **FURTHER LIMITATIONS.**—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance)

may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in any sanctioned country, entity, or municipality described in subsection (e) in which a person publicly indicted by the Tribunal is in residence or is engaged in extended activity and competent local authorities have failed to notify the Tribunal or failed to take necessary and significant steps to apprehend and transfer such persons to the Tribunal or in which competent local authorities have obstructed the work of the Tribunal.

(e) **SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.**—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) **SPECIAL RULE.**—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

#### (g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) **IN GENERAL.**—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) **INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.**—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) **INFORMATION OF THE TRIBUNAL.**—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) **REPORT.**—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) **INFORMATION TO CONGRESS.**—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

#### (h) WAIVER.—

(1) **IN GENERAL.**—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of

the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) **REPORT.**—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) **ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.**—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) **TERMINATION OF SANCTIONS.**—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) **DEFINITIONS.**—As used in this section—

(1) **COUNTRY.**—The term “country” means Bosnia-Herzegovina, Croatia, and Serbia.

(2) **ENTITY.**—The term “entity” refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro, and the Republika Srpska.

(3) **DAYTON AGREEMENT.**—The term “Dayton Agreement” means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) **TRIBUNAL.**—The term “Tribunal” means the International Criminal Tribunal for the Former Yugoslavia.

(k) **ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.**—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

#### DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 566. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

#### GREENHOUSE GAS EMISSIONS

SEC. 567. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2001, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2002: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

#### AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 568. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

#### ENTERPRISE FUND RESTRICTIONS

SEC. 569. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

#### CAMBODIA

SEC. 570. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

#### FOREIGN MILITARY EXPENDITURES REPORT

SEC. 571. (a) Section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102-391) is amended by repealing paragraph (2) relating to military expenditures.

(b) Not later than February 15, 2001, the Secretary of the Treasury shall submit a report to the Committees on Appropriations which describes how the provisions of section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended (Public Law 104-208), and of section 1502(b) of title XV of the International Financial Institutions Act (22 U.S.C. 2620) as amended, are being implemented. This report shall identify, among other things—

(1) the countries found not to be in compliance with the provisions of section 576 and the instances where the United States Executive Director to an international financial institution has voted to oppose a loan or other utilization of funds as a result of the requirements of that section;

(2) steps taken by the governments of countries receiving loans or other funds from such institutions to establish the reporting systems addressed in section 576;

(3) any instances in which such governments have failed to provide information about the governments' audit process requested by an international financial institution; and

(4) any policy changes that have been made by the international financial institutions with regard to providing loans or other funds to countries which expend a significant portion of their financial resources for their armed forces and security forces, and with regard to requiring, and providing technical assistance for, audits of receipts and expenditures of such armed forces and security forces.

#### KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 572. (a) Of the funds made available under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs”, not to exceed \$35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as “KEDO”), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Of the funds made available for KEDO, up to \$15,000,000 may be made available prior to June 1, 2001, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended; and

(5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel.

(c) Of the funds made available for KEDO, up to \$20,000,000 may be made available on or after June 1, 2001, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(2) North Korea is complying with its obligations under the agreement regarding access to suspect underground construction;

(3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(4) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) The Secretary of State shall submit to the appropriate congressional committees a report (to be submitted with the annual presentation for appropriations) providing a full and detailed

accounting of the fiscal year 2002 request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

#### AFRICAN DEVELOPMENT FOUNDATION

SEC. 573. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

#### PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 574. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

#### VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 575. (a) DEFINITIONS.—For the purposes of this section—

(1) the term “agency” means the United States Agency for International Development;

(2) the term “Administrator” means the Administrator, United States Agency for International Development; and

(3) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) an employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separa-

tion incentive payments under this section, shall submit to the Committees on Appropriations and the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2)(B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed \$25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2001;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term “final basic pay”, with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the

employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

#### KYOTO PROTOCOL

SEC. 576. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

#### ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 577. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end, the following: “and \$50,000,000 for fiscal year 2001”.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by inserting at the end thereof the following



sentence: "Of the amount specified in subparagraph (A) for fiscal year 2001, not more than \$50,000,000 may be made available for stockpiles in the Republic of Korea."

#### ABOLITION OF THE INTER-AMERICAN FOUNDATION

##### SEC. 578. (a) DEFINITIONS.—In this section:

(1) **DIRECTOR.**—The term "Director" means the Director of the Office of Management and Budget.

(2) **FOUNDATION.**—The term "Foundation" means the Inter-American Foundation.

(3) **FUNCTION.**—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) **ABOLITION OF INTER-AMERICAN FOUNDATION.**—During fiscal year 2001, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

##### (c) TERMINATION OF FUNCTIONS.—

(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or other provisions of law, as of the day before the effective date of this section.

(2) **REPEAL.**—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 290f) is repealed upon the effective date specified in subsection (j).

(3) **FINAL DISPOSITION OF FUNDS.**—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

##### (d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) **IN GENERAL.**—The Director of the Office of Management and Budget shall be responsible for—

(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

(2) **TRANSFER OF FUNCTIONS TO THE DIRECTOR.**—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section, as may be necessary to carry out the responsibilities of the Director under paragraph (1).

(3) **AUTHORITIES OF THE DIRECTOR.**—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

(A) enter into contracts;

(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

(4) **CERTIFICATION REQUIRED.**—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

(e) **REPORT TO CONGRESS.**—The Director of the Office of Management and Budget shall submit

to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

(f) **TRANSFER AND ALLOCATION OF APPROPRIATIONS.**—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

##### (g) SAVINGS PROVISIONS.—

(1) **CONTINUING LEGAL FORCE AND EFFECT.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) **NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.**—Except as otherwise provided in this section—

(A) the provisions of this section shall not affect suits commenced prior to the date of the abolition of the Foundation; and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) **NONABATEMENT OF PROCEEDINGS.**—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

(4) **CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.**—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

(5) **REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.**—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

##### (h) CONFORMING AMENDMENTS.—

(1) **AFRICAN DEVELOPMENT FOUNDATION.**—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

(A) by inserting "and" at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(2) **SOCIAL PROGRESS TRUST FUND AGREEMENT.**—Section 36 of the Foreign Assistance Act of 1973 is amended—

(A) in subsection (a)—

(i) by striking "provide for" and all that follows through "(2) utilization" and inserting "provide for the utilization"; and

(ii) by striking "member countries;" and all that follows through "paragraph (2)" and inserting "member countries.";

(B) in subsection (b), by striking "transfer or";

(C) by striking subsection (c);

(D) by redesignating subsection (d) as subsection (c); and

(E) in subsection (c) (as so redesignated), by striking "transfer or".

(3) **FOREIGN ASSISTANCE ACT OF 1961.**—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

(i) **DEFINITION.**—In this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(j) **EFFECTIVE DATES.**—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).

#### WEST BANK AND GAZA PROGRAM

SEC. 579. For fiscal year 2001, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

#### INDONESIA

SEC. 580. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available to the Government of Indonesia if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and militia groups responsible for human rights violations in Indonesia and East Timor.

## WORKING CAPITAL FUND

SEC. 581. (a) Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

"(l)(1) There is hereby established a working capital fund for the Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment and supplies for International Cooperative Administrative Support Services.

"(2) The capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines, rebates from the use of United States Government credit cards, and any appropriations made available for the purpose of providing capital, less related liabilities and unpaid obligations.

"(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other Federal agencies and other sources authorized by section 607 of this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

"(4) The agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

"(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall, if otherwise authorized, be credited to current applicable appropriations."

## IMMUNITY OF FEDERAL REPUBLIC OF YUGOSLAVIA

SEC. 582. (a) Subject to subsection (b), the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7).

(b) This section shall not apply to Montenegro or Kosovo.

(c) This section shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosovo) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

(d) The certification provided for in subsection (c) shall not affect the continuation of litigation commenced against the Federal Republic of Yugoslavia prior to its fulfillment of the conditions in subsection (c).

## CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 583. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

## SANCTIONS AGAINST SERBIA

SEC. 584. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2001, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

## (b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

(2) The Secretary of State shall instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State shall instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State shall instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

(5) The Secretary of State shall instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the Government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the Government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosovo;

(4) the Government of Serbia is implementing internal democratic reforms; and

(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosovo have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosovo.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosovo.

(f) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Euro-

pean Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.

## CLEAN COAL TECHNOLOGY

SEC. 585. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

## REPEAL OF UNOBLIGATED BALANCE RESTRICTIONS

SEC. 586. (a) The final proviso under the heading "Foreign Military Financing Program" in Title VI of the Foreign Operations, Export Financing, and Related Programs as enacted into law by section 1000(a)(2) of division B of Public Law 106-113 (113 STAT. 1501A-133), is repealed.

(b) Subsection (a) shall be effective immediately upon the enactment of this Act.

## REPEAL OF REQUIREMENT FOR ANNUAL GAO REPORT ON THE FINANCIAL OPERATIONS OF THE INTERNATIONAL MONETARY FUND

SEC. 587. Section 1706 of the International Financial Institutions Act (22 U.S.C. 262r-5) is repealed.

## EXTENSION OF GAO AUTHORITIES

SEC. 588. The funds made available to the Comptroller General pursuant to Title 1, Chapter 4 of Public Law 106-31 shall remain available until expended.

## PROCUREMENT AUTHORITY

SEC. 589. Funds appropriated by this or any prior Acts making appropriations for foreign operations, export financing, and related programs, that are provided to the National Endowment for Democracy shall be provided in a manner that is consistent with the last sentence of section 503(a) of the National Endowment for Democracy Act and Comptroller General Decisions No. B-203681 of June 6, 1985, and No. B-248111 of September 9, 1992, and the National Endowment for Democracy shall be deemed "the awarding agency" for purposes of implementing

Office of Management and Budget Circular A-122 as dated June 1, 1998, or any successor circular.

#### FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 590. Notwithstanding any other provision of law, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations and multilateral organizations—

(1) shall not be subject to requirements related to the use of non-United States Government funds for advocacy and lobbying activities more restrictive than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act; and

(2) shall not be ineligible for such assistance solely on the basis of health or medical services provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States.

#### PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 591. (a) FUNDING CONDITIONS.—Of the funds made available under the heading "International Financial Institutions" in this or any prior Foreign Operations, Export Financing, or Related Programs Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies that—

(1) the institution is implementing procedures for conducting semi-annual audits by qualified independent auditors for all new lending;

(2) the institution has taken steps to establish an independent fraud and corruption investigative organization or office;

(3) the institution has implemented a program to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new lending; and

(4) the institution is taking steps to fund and implement measures to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made to fulfill the objectives identified in subsection (a).

(c) DEFINITIONS.—The term "International Financial Institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

#### USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. 592. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

#### EDUCATION AND ANTI-CORRUPTION ASSISTANCE

SEC. 593. Section 638 of the Foreign Assistance Act of 1961 (22 U.S.C. 2398) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any provision of law that restricts assistance to foreign countries,

funds made available to carry out the provisions of part I of this Act may be furnished for assistance for education programs and for anti-corruption programs, except that this subsection shall not apply to section 490(e) or 620A of this Act or any other comparable provision of law."

#### INDOCHINESE PAROLEES

SEC. 594. Notwithstanding any other provision of law, any national of Vietnam, Cambodia, or Laos who was paroled into the United States before October 1, 1997 shall be eligible to make an application for adjustment of status pursuant to section 599E of Public Law 101-167.

#### NONPROLIFERATION AND ANTI-TERRORISM PROGRAMS

SEC. 595. It is the sense of Congress that—

(1) the programs contained in the Department of State's Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) budget line are vital to the national security of the United States; and

(2) funding for those programs should be restored in any conference report with respect to this Act to the levels requested in the President's budget.

#### MOTHER-TO-CHILD TRANSMISSION OF HIV/AIDS IN SUB-SAHARAN AFRICA

SEC. 596. (a) FINDINGS.—The Senate finds that:

(1) According to the World Health Organization, in 1999, there were 5,600,000 new cases of HIV/AIDS throughout the world, and two-thirds of those (3,800,000) were in sub-Saharan Africa.

(2) Sub-Saharan Africa is the only region in the world where a majority of those with HIV/AIDS—55 percent—are women.

(3) When women get the disease, they often pass it along to their children, and over 2,000,000 children in sub-Saharan Africa are living with HIV/AIDS.

(4) New investments and treatments hold out promise of making progress against mother-to-child transmission of HIV/AIDS. For example—

(A) a study in Uganda demonstrated that a new drug could prevent almost one-half of the HIV transmissions from mothers to infants, at a fraction of the cost of other treatments; and

(B) a study of South Africa's population estimated that if all pregnant women in that country took an antiviral medication during labor, as many as 110,000 new cases of HIV/AIDS could be prevented over the next five years in South Africa alone.

(5) The Technical Assistance, Trade Promotion, and Anti-Corruption Act of 2000, as approved by the Senate Foreign Relations Committee on March 23, 2000, ensures that not less than 8.3 percent of the United States Agency for International Development's (USAID) HIV/AIDS funding is used to combat mother-to-child transmission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that of the funds provided in this Act, the USAID should place a high priority on efforts, including providing medications, to prevent mother-to-child transmission of HIV/AIDS.

#### REPORTING REQUIREMENT ON SUDAN

SEC. 597. One hundred and twenty days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees—

(1) describing—

(A) the areas of Sudan open to the delivery of humanitarian or other assistance through or from Operation Lifeline Sudan (in this section referred to as "OLS"), both in the Northern and Southern sectors;

(B) the extent of actual deliveries of assistance through or from OLS to those areas from January 1997 through the present;

(C) areas of Sudan which cannot or do not receive assistance through or from OLS, and the specific reasons for lack or absence of coverage, including—

(i) denial of access by the government of Sudan on a periodic basis ("flight bans"), including specific times and duration of denials from January 1997 through the present;

(ii) denial of access by the government of Sudan on an historic basis ("no-go" areas) since 1989 and the reason for such denials;

(iii) exclusion of areas from the original agreements which defined the limitations of OLS;

(iv) a determination by OLS of a lack of need in an area of no coverage;

(v) no request has been made to the government of Sudan for coverage or deliveries to those areas by OLS or any participating organization within OLS; or

(vi) any other reason for exclusion from or denial of coverage by OLS;

(D) areas of Sudan where the United States has provided assistance outside of OLS since January 1997, and the amount, extent and nature of that assistance;

(E) areas affected by the withdrawal of international relief organizations, or their sponsors, or both, due to the disagreement over terms of the "Agreement for Coordination of Humanitarian, Relief and Rehabilitation Activities in the SPLM Administered Areas" memorandum of 1999, including specific locations and programs affected; and

(2) containing a comprehensive assessment of the humanitarian needs in areas of Sudan not covered or served by OLS, including but not limited to the Nuba Mountains, Red Sea Hills, and Blue Nile regions.

#### PERU

SEC. 598. (a) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, deserves the recognition and gratitude of the United States for having performed an extraordinary service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru and by exposing efforts of the Government of Peru to manipulate the national elections in April and May of 2000 to benefit the president in power.

(2) The Government of Peru failed to establish the conditions for free and fair elections—both for the April 9 election as well as for the May 28 run-off—by not taking effective steps to correct the "insufficiencies, irregularities, inconsistencies, and inequities" documented by the OAS Electoral Observation Mission.

(3) The United States Government should support the work of the OAS high-level mission, and that such mission should base its specific recommendations on the views of civil society in Peru regarding commitments by their government to respect human rights, the rule of law, the independence and constitutional role of the judiciary and national congress, and freedom of expression and journalism.

(4) In accordance with Public Law 106-186, the United States must review and modify as appropriate its political, economic, and military relations with Peru and work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report evaluating United States political, economic, and military relations with Peru, in accordance with Public Law 106-186. Such report should review, but not be limited to, the following:

(1) The effectiveness of providing United States assistance to Peru only through independent non-governmental organizations or international organizations.

(2) Scrutiny of all United States anti-narcotics assistance to Peru and the effectiveness of providing such assistance through legitimate civilian agencies and the appropriateness of providing this assistance to any military or intelligence units that are known to have violated human rights, suppressed freedom of expression or undermined free and fair elections.

(3) The need to increase support to Peru through independent non-governmental organizations and international organizations to promote the rule of law, separation of powers, political pluralism, and respect for human rights, and to evaluate termination of support for entities that have cooperated with the undemocratic maneuvers of the executive branch.

(4) The effectiveness of United States policy of supporting loans or other assistance for Peru through international financial institutions (such as the World Bank and Inter-American Development Bank), and an evaluation of terminating support to entities of the Government of Peru that have willfully violated human rights, suppressed freedom of expression, or undermined free and fair elections.

(5) The extent to which Peru benefits from the Andean Trade Preferences Act and the ramifications of conditioning participation in that program on respect for the rule of law and representative democracy.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the President shall determine and report to the appropriate committees of Congress whether the Government of Peru has made substantial progress in improving its respect for human rights, the rule of law (including fair trials of civilians), the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent journalism.

(d) PROHIBITION.—If the President determines and reports pursuant to subsection (c) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for assistance for the Government of Peru, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Peru, except loans to support basic human needs.

(e) EXCEPTION.—The prohibition in subsection (d) shall not apply to humanitarian assistance, democracy assistance, anti-narcotics assistance, assistance to support binational peace activities involving Peru and Ecuador, assistance provided by the Overseas Private Investment Corporation, or assistance provided by the Trade and Development Agency.

(f) WAIVER.—The President may waive subsection (d) for periods not to exceed 90 days if he certifies to the appropriate committees of Congress that doing so is important to the national security interests of the United States and will promote the respect for human rights and the rule of law in Peru.

(g) DEFINITIONS.—For the purposes of this section, “appropriate committees of Congress” means the Committee on Appropriations and the Committee on Foreign Relations in the Senate and the Committee on Appropriations and Committee on International Relations in the House of Representatives. For the purposes of this section, “humanitarian assistance” includes but is not limited to assistance to support health and basic education.

#### SENSE OF SENATE REGARDING ZIMBABWE

SEC. 599. (a) FINDINGS.—The Senate finds that—

(1) people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

(2) Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

(3) the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

(4) a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

(5) the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

(6) previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

(7) recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

(8) violence has been directed toward individuals of all races;

(9) the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

(10) the offices of a leading independent newspaper in Zimbabwe have been bombed;

(11) the Government of Zimbabwe has not yet publicly condemned the recent violence;

(12) President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

(13) 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

(14) the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

(15) the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

(16) the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

(17) events in Zimbabwe could threaten stability and economic development in the entire region.

(18) the Government of Zimbabwe has rejected international election observation delegation accreditation for United States-based nongovernmental organizations, including the International Republican Institute and National Democratic Institute, and is also denying accreditation for other nongovernmental organizations and election observers of certain specified nationalities.

(b) SENSE OF THE SENATE.—The Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward

a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

#### SENSE OF SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA

SEC. 599A. It is the sense of the Senate that nothing in this Act regarding the assistance provided to Estonia, Latvia, and Lithuania under the heading “FOREIGN MILITARY FINANCING PROGRAM” should be interpreted as expressing the sense of the Senate regarding an acceleration of the accession of Estonia, Latvia, or Lithuania to the North Atlantic Treaty Organization (NATO).

#### ELIMINATION OF DOWRY DEATHS AND HONOR KILLINGS

SEC. 599B. (a) IN GENERAL.—The Secretary of State should meet with representatives from countries that have a high incidence of the practice of dowry deaths or honor killings with a view toward working with the representatives to increase awareness of the practices, to develop strategies to end the practices, and to determine the scope of the problem within the refugee population.

(b) DEFINITIONS.—In this section:

(1) DOWRY DEATH.—The term “dowry death” means the killing of a woman because of a dowry dispute.

(2) HONOR KILLING.—The term “honor killing” means the murder of a woman suspected of dishonoring her family.

#### ELIMINATION OF FEMALE GENITAL MUTILATION

SEC. 599C. The Secretary of State shall conduct a study to determine the prevalence of the practice of female genital mutilation. The study shall include the existence and enforcement of laws prohibiting the practice. The Secretary shall submit the findings of the study and recommendations on how the United States can best work to eliminate the practice of female genital mutilation, to the appropriate congressional committees by June 1, 2001.

#### SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA

SEC. 599D. (a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosova war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosova;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to The Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former

Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to The Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced that his government has provided the Serbian regime of Slobodan Milosevic \$102,000,000 of a \$150,000,000 loan it had reactivated and will sell the Government of Serbia \$32,000,000 of oil despite the fact that the international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosova war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities as a member of the North American Treaty Organization-led peacekeeping mission in Kosova.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the Government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by

the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans, guarantees, and other forms of assistance by the Export-Import Bank or the Overseas Private Investment Corporation to Russia.

(D) The President may waive the actions described in subparagraphs (2)(A), (2)(B), and (2)(C) if he determines and reports to Congress that it is in the national interest of the United States of America.

(3) It is the sense of the Senate that the President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the "Comprehensive" Paris Club negotiations.

REHABILITATION OF THE TRANSPORTATION INFRASTRUCTURE OF BULGARIA AND ROMANIA

SEC. 599E. Of the funds appropriated under the heading "Support for East European Democracy", rehabilitation and remediation of damage done to the Romanian and Bulgarian economies as a result of the Kosova conflict should be given priority especially to those projects that are associated with the Stability Pact for South Eastern Europe, done at Cologne June 10, 1999 (commonly known as the "Balkan Stability Pact"), particularly those projects that encourage bilateral cooperation between Romania and Bulgaria, and that seek to offset the difficulties associated with the closure of the Danube River.

UNITED STATES-CUBAN MUTUAL ASSISTANCE IN THE INTERDICTION OF ILLICIT DRUGS

SEC. 599F. Of the amount appropriated under the heading "Department of State, International Narcotics Control and Law Enforcement", up to \$1,000,000 shall be available to the Secretary of Defense, on behalf of the United States Coast Guard, the United States Customs Service, and other bodies, to work with the appropriate authorities of the Cuban Government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuban airspace and waters: Provided, That such assistance may only be provided after the President determines and certifies to Congress that—

(1) Cuba has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction of illegal drugs; and

(2) that there is no evidence of the involvement of the Government of Cuba in drug trafficking.

EMERGENCY FUNDING TO ASSIST COMMUNITIES AFFECTED BY HURRICANE FLOYD, HURRICANE DENNIS, OR HURRICANE IRENE

SEC. 599G. (a) ECONOMIC DEVELOPMENT ASSISTANCE.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for "Economic Development Assistance Programs", \$125,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000—

(A) shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) COMMUNITY FACILITIES GRANTS.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), \$125,000,000, to remain available until expended, to provide grants under the community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)) with respect to areas subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SENSE OF THE CONGRESS REGARDING ADDITIONAL ASSISTANCE FOR MOZAMBIQUE AND SOUTHERN AFRICA

SEC. 599H. (a) FINDINGS.—The Congress finds that:

(1) In February and March of 2000, cyclones Gloria, Eline, and Hudah caused extensive flooding in Southern Africa, severely affecting the Republic of Mozambique.

(2) The floods claimed at least 640 lives and left nearly 500,000 people displaced or trapped in flood-isolated areas.

(3) The floods contaminated water supplies, destroyed hundreds of miles of roads, and washed away homes, schools, and health clinics.

(4) This heavy flooding and the displacement it caused created conditions in which infectious disease has flourished.

(5) The Southern African floods of 2000 washed previously identified and marked landmines to new, unmarked locations.

(6) Prior to the flooding, Mozambique had been making progress toward climbing out of poverty, enjoying economic growth rates of 10 percent per year.

(7) The World Bank estimates that the costs of reconstruction in Mozambique alone will be \$430,000,000, with an additional \$215,000,000 in economic costs.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that an additional \$168,000,000 should be made available for disaster assistance in Mozambique and Southern Africa.

SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES

SEC. 599I. It is the sense of the Senate that—

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief aimed at assisting citizens of the poor countries under the enhanced Heavily Indebted Poor Countries Initiative;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation approved by Congress, Congress should fully fund bilateral and multilateral debt relief.

#### RUSSIAN MISSILE SALES TO CHINA

SEC. 599J. It is the sense of the Senate that the Secretary of the Treasury should direct the executive directors to all international financial institutions to use the voice and vote of the United States to oppose loans, credits, or guarantees to the Russian Federation, except for basic human needs, if the Russian Federation delivers any additional SS-N-22 missiles or components to the People's Republic of China.

#### INTERNATIONAL HEALTH EMERGENCIES

SEC. 599K. In addition to amounts otherwise appropriated in this Act, \$40,000,000 shall be available for necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities: Provided, That of the funds appropriated under this section, not less than \$30,000,000 shall be made available for programs to combat HIV/AIDS: Provided further, That of the funds appropriated under this section, not less than \$10,000,000 shall be made available for the prevention, treatment, and control of tuberculosis: Provided further, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

#### TITLE VI—PLAN COLOMBIA

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

##### CHAPTER 1

##### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### DEPARTMENT OF STATE

##### ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Central and South America and Caribbean counternarcotics activities, \$934,100,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than \$120,000,000 shall be made available for assistance for Bolivia, of which not less than \$100,000,000 shall be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for assistance for Ecuador, of which not less than \$12,000,000 shall be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, up to \$42,000,000 shall be made available for assistance for Peru: Provided further, That of the funds appropriated under this

heading, not less than \$18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: Provided further, That of the funds appropriated under this heading not less than \$110,000,000 shall be made available for the procurement, refurbishing, and support for UH-1H Huey II helicopters: Provided further, That of the amount appropriated under this heading, \$5,000,000 shall be available to the Secretary of State for transfer to the Department of Labor for the administration of the demobilization and rehabilitation of child soldiers in Colombia, of which amount \$2,500,000 shall be transferred not later than 30 days after the date of enactment of this Act, and the remaining \$2,500,000 shall be transferred not later than October 30, 2000: Provided further, That funds made available under this heading shall be in addition to amounts otherwise available for such purposes: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the U.S. Agency for International Development, shall provide to the Committees on Appropriations not later than 30 days after the date of enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: Provided further, That funds appropriated under this heading shall be subject to notification: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 6101. CONDITIONS ON ASSISTANCE FOR COLOMBIA. (a) CONDITIONS.—

(1) CERTIFICATION REQUIRED.—Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

(C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders

and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

(2) CONSULTATIVE PROCESS.—The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) APPLICATION OF EXISTING LAWS.—The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106-113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) shall apply to the availability of funds under this heading.

(b) REPORT.—Beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing the following:

(1) A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and the extent to which such personnel have been brought to justice in Colombia's civilian courts, including a description of the charges brought and the disposition of such cases.

(2) An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding or abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

(3) A description of the extent to which the Colombian Armed Forces cooperate with civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

(4) A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

(5) An estimate of the number of Colombian civilians displaced as a result of the "push into southern Colombia", and actions taken to address the social and economic needs of these people.

(6) A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia

(c) DEFINITIONS.—In this section:

(1) AIDING OR ABETTING.—The term "aiding or abetting" means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and security cooperatives.

(4) ASSISTANCE.—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:



(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629); relating to credit sales.

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

SEC. 6102. REGIONAL STRATEGY. (a) REPORT REQUIRED.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, the Committee on International Relations and the Committee on Appropriations of the House of Representatives, a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and neighboring countries.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The key objectives of the United States' counternarcotics strategy in Colombia and neighboring countries and a detailed description of benchmarks by which to measure progress toward those objectives.

(2) The actions required of the United States to support and achieve these objectives, and a schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(4) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and paramilitary forces in Colombia.

(5) How the strategy with respect to Colombia relates to and affects the United States' strategy in the neighboring countries.

(6) How the strategy with respect to Colombia relates to and affects the United States' strategy for fulfilling global counternarcotics goals.

(7) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(8) A schedule for making Forward Operating Locations (FOL) fully operational, including cost estimates and a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall the Strategy.

SEC. 6103. SENSE OF THE CONGRESS ON COUNTER NARCOTICS MEASURES. It is the sense of Congress that—

(1) the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound methods for eradicating illicit crops, which could reduce significantly the loss of life in Colombia and the United States;

(2) the effectiveness of United States counter narcotics assistance to Colombia depends on the ability of law enforcement officials of that country having unimpeded access to all areas of the national territory of Colombia for the purposes of carrying out the interdiction of illegal narcotics and the eradication of illicit crops; and

(3) the governments of countries receiving support under this title should take effective steps to prevent the creation of a safe haven for narcotics traffickers by ensuring that narcotics traffickers indicted in the United States are promptly arrested, prosecuted, and sentenced to the maximum extent of the law and, upon the

request of the United States Government, extradited to the United States for trial for their egregious offenses against the security and well-being of the people of the United States.

SEC. 6104. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS. (a) Not later than six months after the date of the enactment of this title, and every six months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from any country receiving counter narcotics assistance from the United States, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by the authorities and who are being processed for extradition;

(C) have been detained by the authorities and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

SEC. 6105. HERBICIDE SAFETY. None of the funds appropriated under this title may be used to support the use of any herbicide, unless the Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention determines and reports to the appropriate congressional committees that such herbicide is safe and nontoxic to human health, and the Administrator of the Environmental Protection Agency determines and reports to the appropriate congressional committees that such herbicide does not contaminate ground or surface water.

SEC. 6106. LIMITATIONS ON SUPPORT FOR PLAN COLOMBIA AND ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA. (a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Military Construction Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic devel-

opment, and institute justice reform in the countries covered by Plan Colombia.

(b) LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including unobligated balances of prior appropriations) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) WAIVER.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) BIMONTHLY REPORTS.—Beginning within 90 days of the date of enactment of this joint resolution, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

(g) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 6106(a)(1) of the 2000 Emergency Supplemental Appropriations Act."

(B) For purposes of subsection (b)(2)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the

matter after the resolving clause of which is as follows: "That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 6106(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act."

(2) **PROCEDURES.**—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936).

(h) **PLAN COLOMBIA DEFINED.**—In this section, the term "Plan Colombia" means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

(i) **NATIONAL SECURITY EXEMPTION.**—The limitation contained in subsection (b)(1) shall not apply with respect to any activity subject to reporting under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

**SEC. 6107. DECLARATION OF SUPPORT.** (a) **CERTIFICATION REQUIRED.**—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 6101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term "appropriate committees of Congress" means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) **ASSISTANCE.**—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

**SEC. 6108. SENSE OF THE SENATE ON UNITED STATES CITIZENS HELD HOSTAGE IN COLOMBIA.** (a) The Senate finds that—

(1) illegal paramilitary groups in Colombia pose a serious obstacle to United States and Colombian counter-narcotics efforts;

(2) abduction of innocent civilians is often used by such groups to gain influence and recognition;

(3) three United States citizens, David Mankins, Mark Rich, and Rick Tenenoff, who were engaged in humanitarian and religious work were abducted by one such group and

have been held hostage in Colombia since January 31, 1993;

(4) these 3 men have the distinction of being the longest-held American hostages;

(5) their kidnappers are believed to be members of the Fuerzas Armadas Revolucionarias de Colombia (FARC) narco-guerrilla organization in Colombia;

(6) the families of these American citizens have not had any word about their safety or welfare for 7 years; and

(7) such acts against humanitarian workers are acts of cowardice and are against basic human dignity and are perpetrated by criminals and thus not deserving any form of recognition.

(b) **The Senate—**

(1) in the strongest possible terms condemns the kidnapping of these men;

(2) appeals to all freedom loving nations to condemn these actions;

(3) urges members of the European Community to assist in the safe return of these men by including in any dialogue with FARC the objective of the release of all American hostages;

(4) appeals to the United Nations Commission on Human Rights to condemn the kidnapping and to pressure the FARC into resolving this situation; and

(5) calls upon the President to raise the kidnapping of these Americans to all relevant foreign governments and to express his desire to see this tragic situation resolved.

**SEC. 6109. SUPPORT FOR THE DEFENSE CLASSIFIED ACTIVITIES.** In addition to amounts provided elsewhere in this Act, \$8,500,000 is hereby appropriated to the Department of Defense under the heading, "Military Construction, Defense-Wide" for classified activities related to, and for the conduct of a utility and feasibility study referenced under the heading of "Management of MASINT" in Senate Report 106-279 to accompany S. 2507, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request for \$8,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### CHAPTER 2

#### BILATERAL ECONOMIC ASSISTANCE

#### FUNDS APPROPRIATED TO THE PRESIDENT

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

#### INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", \$35,000,000 for Mozambique and Southern Africa, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

#### INTERNATIONAL ASSISTANCE PROGRAMS

#### INTERNATIONAL SECURITY ASSISTANCE

#### FOREIGN MILITARY FINANCING PROGRAM

The value of articles and services authorized for Southern Africa as of March 2, 2000, to be drawn down by the President under the author-

ity of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

Under the authority of section 506(d) of the Foreign Assistance Act of 1961, as amended, up to \$37,600,000 is appropriated to the Department of Defense as reimbursement for drawdowns for southern Africa pursuant to section 506(a)(2) of such Act authorized as of March 2, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### DEPARTMENT OF JUSTICE

#### DRUG ENFORCEMENT ADMINISTRATION

#### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," \$17,850,000 to be made available until expended.

#### METHAMPHETAMINE PRODUCTION AND TRAFFICKING

For initiatives to combat methamphetamine production and trafficking, \$40,000,000 to be made available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### OFFICE OF JUSTICE PROGRAMS

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

#### (RESCISSION)

Of the unobligated balances available under this heading for the State Criminal Alien Assistance Program, \$7,850,000 are rescinded.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001".

Mr. LOTT. Mr. President, I further ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I finally ask unanimous consent that S. 2522 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. SMITH of Oregon) appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. STEVENS, Mr. LEAHY, Mr. INOUE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, while some Members of the Senate are conversing about the schedule, I want to take a moment and comment today on a couple of items that have appeared in today's newspapers related to a very important matter that we will be addressing soon. The first item appeared in the Wall Street Journal:

"Drug benefit costs for large employers are expected to jump 22.5 percent for employees and 23.4 percent for retirees over the next year," according to a survey of 61 companies.

Drug costs are expected to jump 22.5 percent in a single year for employees and employers.

The second item is a full-page ad that appeared in the Washington Post today. This ad is sponsored by the Pharmaceutical Research and Manufacturers of America. It says:

One of these pills is a counterfeit. Can you guess which one?

And then it says:

Congress is about to permit the wholesale importation of drugs from Mexico and Canada. The personal health of American consumers is unquestionably at risk. Counterfeit prescription drugs will inevitably make their way across our borders and into our medicine cabinets. Counterfeit prescription drugs can kill. Counterfeit drugs have killed.

This is from the big pharmaceutical manufacturers. What they are alleging is that it would be unsafe to allow those in this country who want to go to Canada to access a supply of prescription drugs from a drugstore in Winnipeg that was originally made in the United States, in a plant inspected by the Food and Drug Administration, and then put in a bottle and sent to a pharmacy in Canada.

It would not be unsafe. It would be cheaper, but not unsafe. Here is the issue. This is a global economy, we are told, and the pharmaceutical industry certainly benefits from that global economy. They buy their chemicals all around the world to get the best prices, and they should. They use these chemicals to produce wonderful, life-saving medicines. Then they ship that medicine all around the world. They ship it to Pembina, ND, and to Emerson, Manitoba in Canada. Those two communities are about 5 miles apart. For the same medicine, produced in the same manufacturing plant by the same company, in the same dosage strength, put in the same bottle, the manufacturers will charge the U.S. consumer triple, double, or quadruple the price charged the Canadian consumer.

The question is this: Why should an American citizen have to go to Canada to buy a drug that was produced in the United States in order to find that they will save 50 to 70 percent on the price of that same drug? The answer is that they should not have to go to Canada to do that. There ought to be fairer pricing of prescription drugs in this country.

There is a little sweetheart law on the books in this country that needs to be amended. This law says that the only entity that can re-import prescription drugs into the United States is its manufacturer. So when a pharmaceutical manufacturer makes a drug in the United States and ships it to Canada for sale at a fraction of the price—and that is because Canada won't allow them to sell it at the price at which they sell it in the United States—they are able to say to pharmacists and drug wholesalers in the United States that they can't go to Canada and buy it and bring it back and pass the savings along to their customers. Even though it is the same drug, made in a plant in the United States, and the plant is approved by the FDA, they can't bring it back from Canada. Why? Because a law in this country prevents that. Talk about a sweetheart deal.

Some of us want to amend that law. Some Republicans and Democrats have come together on legislation to allow pharmacists and drug wholesalers to import FDA-approved medicines. So in response, the pharmaceutical industry spent a fortune putting full-page ads in newspapers today, saying this is about "counterfeit medicine" that will kill people. What a sack of lies. There is no counterfeit medicine problem here. We are talking about the importation of prescription drugs in this country only in instances where the chain of custody has been assured and guaranteed.

This is the most profitable industry in the world, and I understand that it wants to protect its profits. I think the drug companies do a lot of wonderful things. But I don't think it is wonderful when they tell senior citizens in this country—all citizens, for that matter, but especially senior citizens—we have a life-saving drug, but you will pay double the price of what we charge anywhere else in the world. That is not fair. But it happens all the time.

What we ought to do is decide that if this is a global economy, it is a global economy for senior citizens and for pharmacists, as long as we assure the chain of custody and resolve the issue of safety.

A pharmacist in Grand Forks, ND, cannot go to Winnipeg, Canada, to buy the same pill, in the same bottle, made in the same manufacturing plant, and bring it back and pass the savings along to senior citizens. Senior citizens are 12 percent of our population, yet they use one-third of all the prescription drugs in this country. They have

reached their retirement years, the years in which their incomes are limited, and they discover that they must pay the highest prices for prescription drugs of any group of consumers in the world. That is not fair.

Miracle drugs only perform miracles if you can afford to take them. Life-saving drugs only save lives if you can afford to access those drugs. I have had hearings all across this country, and I have heard identical testimony in every State. Senior citizens tell me: When I go to the grocery store, I must first go to the pharmacy at the back of the store to buy my prescription drugs because only then will I know how much money I have left to pay for food. Only then will I know how much money I have left with which to eat.

That is happening all across this country. The folks in the pharmaceutical industry want to continue to charge U.S. consumers double, triple, or quadruple the prices they impose upon citizens of other countries. That is not fair. We ought to change it.

In the appropriations bill when it was considered by the House, the House enacted two amendments to essentially prevent the FDA from enforcing the current law.

In the Senate, there will be an amendment offered by one of my Republican colleagues, myself, and others. The Senate amendment would also allow pharmacists and drug wholesalers to import prescription drugs that were produced in the United States, in plants that are approved by the FDA, but it includes provisions to ensure this is done in a safe manner. We hope enough Members of the Senate will agree so that we will be able to get this done in the coming days.

I yield the floor.

### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 4461, the Agriculture appropriations bill. I further ask unanimous consent that all after the enacting clause of H.R. 4461 be stricken and the text of S. 2536 with a modified division B be inserted in lieu thereof, and that the new text be treated as original text for the purpose of further amendment, and that no point of order be waived.

Mr. REID. Mr. President, reserving the right to object, I express my appreciation to Senator WELLSTONE for being so reasonable on this issue. As usual, he spotted the issue. It has been explained to him. We are now moving forward on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I know the manager, Senator COCHRAN, is ready to

proceed. We hope to go forward with opening statements and any amendments that can be considered tonight. I will consult with Senator COCHRAN and the managers about how to proceed throughout the remainder of the night. But we will turn back to this legislation in the morning not later than 9:30. We will have stacked votes, if any are ready by then, at 2:15 or 2:30 p.m. tomorrow. We will indicate a specific time later.

I thank the Senator from Mississippi, Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am very pleased to present for the Senate's consideration the fiscal year 2001 Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill. This bill provides fiscal year 2001 funding for the programs and activities of the Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. The U.S. Forest Service is funded by the Interior appropriations bill.

This bill, as reported, also provides fiscal year 2000 supplemental appropriations and rescissions to respond to emergency needs resulting from natural disasters and other unanticipated funding requirements.

The fiscal year 2001 provisions are contained in Division A of the reported bill. It provides total new budget authority for fiscal year 2001 of \$75.3 billion. This is \$295 million less than the fiscal year 2000 enacted level, excluding emergency appropriations, and \$1.5 billion less than the President's budget request.

Just over eighty percent of the total recommended by this bill is for mandatory appropriations over which the Appropriations Committee has no effective control. The spending levels for these programs are governed by authorizing statutes. The mandatory programs funded by this bill include the Commodity Credit Corporation, the Federal Crop Insurance Corporation, and the Food Stamp and Child Nutrition Programs.

About twenty percent of the total appropriations recommended by this bill is for discretionary programs and activities. Including Congressional budget scorekeeping adjustments and prior-year spending actions, this bill recommends total discretionary spending of \$14.850 billion in budget authority and \$14.925 billion in outlays for fiscal year 2001. These amounts are consistent with the Subcommittee's discretionary spending allocations.

I would like to take a few moments to summarize the bill's major funding recommendations. For the Food Safety and Inspection Service, appropriations of \$678 million are recommended, \$29 million more than the fiscal year 2000 level. For the Animal and Plant Health Inspection Service, \$468 million is recommended, \$25 million more than the 2000 level.

Appropriations for USDA headquarters operations and for other agriculture marketing and regulatory programs are approximately \$84 million more than the fiscal year 2000 appropriations levels. Included in this increase is \$25 million to support information technology investments in support of the Department's Service Center Modernization initiative; \$42.4 million to support the Department of Agriculture's buildings and facilities and rental payment requirements; \$5.9 million, as requested, for costs associated with implementing the Mandatory Livestock Reporting Act; and \$6.2 million for the Agricultural Marketing Service to implement a microbiological data program.

For farm credit programs, the bill funds an estimated \$3.1 billion total loan program level, the same as the fiscal year 2000 level, excluding additional loans funded through fiscal year 2000 emergency appropriations. The amount recommended includes \$559.4 million for farm ownership loans and \$2.4 billion for farm operating loans.

For salaries and expenses of the Farm Service Agency, total appropriations of \$1.095 billion are recommended. This is \$89 million more than the 2000 level and the same as the President's budget request.

The bill provides total appropriations of \$1.4 billion for agriculture research, education, and extension activities. Included in this amount is an increase of \$3.8 million from fiscal year 2000 for Agricultural Research Service (ARS) buildings and facilities, an increase of \$41.2 million for research activities of the ARS; and a \$19.2 million increase in funding for the Cooperative State Research, Education, and Extension Service.

For conservation programs administered by USDA's Natural Resources Conservation Service, total funding of \$867.6 million is provided, \$63 million more than the 2000 level. This includes \$714 million for conservation operations, \$11 million for watershed surveys and planning, \$99 million for watershed and flood prevention operations, \$36 million for the resource conservation and development program, and \$6 million for the forestry incentives program.

USDA's Foreign Agricultural Service is funded at a program level of \$117.7 million, \$4 million more than the fiscal year 2000 level. In addition, a total program level of \$996.7 million is recommended for the Public Law 480 pro-

gram, the same as the fiscal year 2001 budget request and \$51.4 million more than the fiscal year 2000 level. This includes \$159.7 million for Title I and \$837 million for Title II of the program.

The bill also provides a total program level of \$2.5 billion for rural economic and community development programs. Included in this amount is \$749 million for the Rural Community Advancement Program, \$33 million for the Rural Business-Cooperative Service, and \$75 million to support a total \$2.6 billion program level for rural electric and telecommunications loans.

In addition, the bill devotes additional resources to those programs which provide affordable, safe, and decent housing for low-income individuals and families living in rural America. Estimated rural housing loan authorizations funded by this bill total \$4.6 billion. Included in this amount is \$4.3 billion in section 502 low-income housing direct and guaranteed loans and \$114 million in section 515 rental housing loans. In addition, \$680 million is included for the rental assistance program. This is the same as the budget request and \$40 million more than the 2000 appropriations level.

Appropriations totaling \$35 billion for USDA's nutrition assistance programs continue to command the highest percentage of the total appropriations recommended by the bill—nearly 47 percent of the total new budget authority provided. This includes \$9.5 billion for child nutrition programs, including \$6 million to complete funding for the school breakfast pilot program; \$4.05 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); \$140 million for the commodity assistance program; \$140 million for the elderly feeding program; and \$21.2 billion for the food stamp program.

For those independent agencies funded by the bill, the Committee provides total appropriations of \$1.2 billion, \$54 million more than the 2000 level. Included in this amount is \$67 million for the Commodity Futures Trading Commission, and \$1.1 billion for the Food and Drug Administration (FDA). The bill also establishes a limitation of \$36.8 million on administrative expenses of the Farm Credit Administration.

Total appropriations recommended for salaries and expenses of the FDA are \$33.7 million more than the 2000 appropriations level. This additional amount, along with \$34 million redirected from FDA's tobacco program in light of the recent Supreme Court decision, provides a total increase of \$67.7 million for fiscal year 2001. Included in this amount is the full increase requested in the budget for FDA rental payments to the General Services Administration; an additional \$24 million for FDA food safety initiatives; and \$25

million for premarket review activities. The additional funding for premarket review will continue to strengthen FDA's ability to perform its core statutory mission of reviewing drugs, foods, medical devices and products within statutory time frames and to ensure patients' speedy access to new products and the latest technology.

The bill also makes available \$149 million in Prescription Drug User Fee Act collections, \$4 million more than the fiscal year 2000 level.

The discretionary budget authority allocation for this bill is approximately \$200 million more than the CBO baseline level, or a "freeze" at the 2000 enacted appropriations level. To provide the increases the Committee felt were necessary to maintain funding for essential farm, housing, and rural development programs, several mandatory funding restrictions are included in the bill. Modest limitations on the Environmental Quality Incentives and Conservation Farm Option programs are maintained at the fiscal year 2000 levels. Funding for the Initiative for Future Agriculture and Food Systems and the Fund for Rural America is deferred until fiscal year 2002, as proposed in the President's budget.

Although the total discretionary spending recommended by this bill is approximately \$277 million in budget authority below the President's budget request level, as reestimated by the Congressional Budget Office, the President's proposed budget relies on additional revenues and savings to accommodate much higher levels of discretionary spending. The President's budget proposes to generate a net total of \$564 million in collections from new user fee proposals, and to redirect funds from ongoing projects and Congressional initiatives to pay for Presidential initiatives.

This Committee does not have the luxury of relying on revenues and savings from legislative proposals that have not been acted on by the Congress and signed into law. Consequently, within the discretionary spending limitations established for this bill, we have not been able to afford many of the discretionary spending increases and new initiatives proposed by the Administration, and still remain consistent with the Budget Act.

Food safety continues to be a high priority of this Committee. This bill, as recommended to the Senate, provides the funds necessary to ensure that American consumers continue to have the safest food supply in the world. Not only does this bill provide increased funds required for meat and poultry inspection activities of the Food Safety and Inspection Service, it provides total funding of \$377 million, a \$53 million increase from the 2000 level, for USDA and FDA programs and activities included in the President's Food Safety Initiative.

Turning to "Division B", the reported bill recommended a net total of \$2.2 billion for emergency and regular supplemental appropriations and rescissions for the fiscal year 2000.

A number of these provisions have been enacted into law as part of the conference report on the fiscal year 2001 Military Construction Appropriations Act. The substitute amendment deletes those provisions and makes other accompanying technical and conforming changes to Division B of the reported bill.

The Chairmen of the various Appropriations Subcommittees may speak to those provisions in Division B of the reported bill under their respective jurisdictions.

However, for programs and activities within the jurisdiction of the Agriculture Subcommittee, Division B, as modified, recommends \$1.1 billion in emergency supplemental appropriations for fiscal year 2000.

Supplemental appropriations for emergency housing and relief to farmers as a result of the North Carolina hurricane and other natural disasters; for the Farm Service Agency to meet high workload demands; and to offset the assessment on peanut producers for program losses have now been enacted into law.

The remaining emergency supplemental appropriations recommended in the bill reported to the Senate still must be addressed.

These include the \$13 million requested by the President to cover a shortfall in available funding for crop insurance premium discounts; \$35 million to support ongoing acreage enrollments in the Conservation Reserve and Wetlands Reserve programs; and an additional \$130 million for the Rural Community Advancement Program.

Just as devastating to producers as losses from hurricanes, drought and other natural disasters are losses from new and emergent diseases and pest infestations. The bill provides authority for the Secretary of Agriculture to compensate growers for losses as a result of the plum pox virus which has devastated the stone fruit industry; citrus canker; Mexican fruit fly; grasshoppers and Mormon crickets; and Pierce's disease, a new problem plaguing the grape industry.

In addition, emergency assistance totaling an estimated \$443 million is recommended for dairy producers and \$450 million for livestock producers.

Mr. President, this appropriations bill was reported by the Committee on May 10th. It was one of the first of the thirteen fiscal year 2001 appropriations bills to be reported to the Senate by the Appropriations Committee.

Although the companion bill was reported from the House Appropriations Committee around that same time, on May 16th, the House did not begin consideration of the bill until June 29. The

House resumed consideration of the bill immediately following the July recess and passed the bill on July 11 by a vote of 339-82.

There are approximately 26 legislative days remaining before the October 1 start of the fiscal year. It is my hope we can expedite the Senate's consideration of this bill so we can go to conference with the House and get this bill to the President as quickly as possible.

I thank the distinguished Senator from Wisconsin, the ranking member of the subcommittee, Mr. KOHL, as well as other members of the subcommittee, for their support and cooperation in putting this bill together. It is never easy to determine funding priorities, or to balance the many competing and legitimate needs that confront agriculture in this bill and stay within the subcommittee's required spending limitations. I believe this bill represents a responsible funding recommendation. I ask the Senators to give it their favorable consideration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—S. 2886

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I understand that S. 2886 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2886) to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes.

Mr. SMITH of New Hampshire. Mr. President, I now ask for its second reading, and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. SMITH of New Hampshire. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for a period of about 15 minutes, or until the leader seeks recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ENERGY

Mr. MURKOWSKI. Mr. President, I would like to chat a little bit about energy this evening because there are several misconceptions relative to the position that the United States is currently in relative to the high gasoline prices that we have been subjected to in the last several months.

First of all, the bad news is, there is no relief in sight. What we currently have is a situation where, simply, the available refining capacity associated with gasoline production and the demand is such that the two lines are almost parallel. In other words, our ability to produce gasoline and the current consumption of gasoline are about equal. So as a consequence, in reality, we are drawing down our reserves. This is at a time when normally our reserves would be substantially higher.

There is a reason for this. I think the American people should understand and appreciate reality because what we have is a situation where our refining capacity has been reduced dramatically over the last 8 years. We have lost about 37 refineries in the United States during the last 10-year period. There has not been a new refinery built in the United States in almost two decades.

What we have, then, is a concentration of our existing refineries operating at near full capacity, producing the requirements associated with the public's demand for gasoline, coupled with the problems associated with meeting the Clean Air Act, which mandates certain reformulated gasolines in various parts of the country.

We had testimony before the committee of which I am chairman, the Energy and Natural Resources Committee, earlier last week. One of the principals with the Environmental Protection Agency identified that the Environmental Protection Agency, under their interpretation of the Clean Air Act, has mandated as many as nine specific cuts of reformulated gasolines that have a regional application around the country. That means in California you have one type of reformulated gasoline. You have another type in Chicago. You may have another type in Atlanta.

These have gone into effect as a consequence of the June 1 new mandates for reformulated gasoline in various parts of the country. What this means is, the refineries have to separate and move and store separately these different cuts of gasoline. The cost, of course, is significant from the standpoint of what the American public has to pay.

We have seen, since the spiraling price of crude oil over the last year—where a year ago prices were \$11, \$12,

\$13, \$14 a barrel—an average price of nearly \$30 a barrel this year.

The difficulty we experience is, having become so dependent on imported oil, currently imported oil is running at 56 percent of total U.S. consumption. As we look at our neighbors in OPEC, we recognize that we have an increasing dependence on their resources. In other words, they control the supply and we are the market. As a consequence, when we have significant demand increases of consumption, we go to OPEC, as our Secretary of Energy has done from time to time, encouraging more production.

However, OPEC seems to have learned from experience. They have developed a strategy internally where they have set a price floor and a price ceiling. The floor evidently is \$22 a barrel of oil; the ceiling is \$28 a barrel. In recent days, there has been an anticipation that OPEC will increase production, today we have the president of OPEC indicating that since the price fell temporarily below \$28 a barrel, OPEC was not going to increase production and was going to review the matter in another 20 days.

The American public should be aware that we are caught between a floor-to-ceiling \$22 to \$28. The American public should be aware that as a consequence of OPEC's internal discipline, there is no relief in sight for a reduction of gas prices of anything appreciable. There will be perhaps some regional reductions as we get the reformulated gasoline under control in various parts of the country.

It is also important to recognize that one of the most significant additives, MTBE, has been dismissed as contrary to the health of the public in the sense that this reformulated portion does get into the water table. As a consequence, we are substituting ethanol for MTBE, which is a grain and agriculture product that enjoys a partial subsidy but nevertheless is a satisfactory additive to make reformulated gasoline to meet the market demands in the various regions of the country.

The point I want to make is that on gasoline, our demand is up. Our production is relatively stagnant, even though we are producing at the maximum capacity for our refineries. We have a situation where we are actually pulling down our reserves. For many Members of this body, particularly in the Northeast corridor, who are concerned legitimately about the high cost of heating oil and the awareness that there might not be adequate reserves being built up during the summer to meet the demand if there is a cold winter, they justifiably should be concerned. What we should be doing now is dropping off substantially our production of gasoline and building up reserves for heating oil. But that is not the case. Our reserves for heating oil are at an all-time low.

We have had consideration from the Clinton administration and some Members to set up some kind of a heating oil strategic reserve. This is rather an interesting dilemma, if you walk through it and understand it. It doesn't necessarily create the relief we want and may suggest that the Government is involving itself in the manipulation of pricing of petroleum products.

Let me cite an example of what I fear. Currently, the thought is that there will be an arrangement made by the Department of Energy to acquire up to 2 million barrels of heating oil reserve somewhere in the Northeast, perhaps in the New York City area, where they can lease tankage. The tradeoff on where the oil would come from would be crude oil from the Strategic Petroleum Reserve in Louisiana. That oil, of course, is not refined. If we take an equivalent of 2 million barrels plus, because we want to have value for value, and take the crude oil out of SPR and refine it, we are offsetting the refining capacity of that refiner of making gasoline or perhaps heating oil with the substitution of the oil from SPR.

That is purchased by the Government, put in storage, and sits in storage until such time as circumstances dictate the trigger be pulled and the oil released. Then the question is, What is the appropriate triggering mechanism? Are we going to trigger the release of based on the price of heating oil, or are we going to do it as a consequence of a supply shortage?

Last year, we had a critical situation in the Northeast but did not actually have anyone go without heating oil. What happened last year is the reserves were very low, but there was enough to meet the demand. This year, the fear, rightly so, for many in the Northeast is that there might not be enough fuel oil to meet the demand if the winter gets cold. The dilemma is, if the Government is putting in 2 million barrels and going to basically store it, then is the industry that ordinarily would build up an inventory and tie up its cash-flow for a period of time going to do that, knowing that the Federal Government is doing the same thing? It is going to be a business decision, but it is going to be interesting to see what the private sector does.

It might be simply a tradeoff. Why should the private sector build up an inventory when it knows the Government has an inventory? In the end, is there any more fuel oil left for the Northeast corridor if indeed there is a cold winter?

I bring this out to point to the difficulty we are having in coming to grips with the reality that we have a greater demand for oil than we have of productive capability. We have become dependent again on our neighbors in OPEC—and not just the 10 official OPEC members. One of our other associates is a gentleman by the name of



Saddam Hussein, who is the head of Iraq.

Many people forget that we fought a war over there just a decade ago. We lost 147 lives; we had 427 Americans who were wounded; we had 23 taken prisoner. Today, Iraq is the fastest growing source of oil for the United States. Isn't that rather ironic? I can't understand why Americans are not indignant over the fact that we are looking to this tyrant, who we know is selling oil, smuggling it out, generating funds for missile development—there was just an article today relative to the testing of a new missile by Iraq—developing his biological capability. This man is a bad man. He is up to no good. Yet the United States is looking to him to bail us out for our supply of oil. It is absolutely ironic that we would look to Saddam Hussein.

August 2 will be the 10th anniversary of Saddam Hussein's invasion of Kuwait. What a difference a decade makes. Let's do a little comparison. I think the American people should wake up and be a little sensitive to the fact that we have lifted embargoes on technologies that would allow him to increase his refining capacity. The U.N. no longer does any inspections of what is going on in Iraq or where his oil is going or whether it is going for the Food for Peace Program.

Ten years ago, Saddam Hussein invaded Kuwait to stimulate higher oil prices and to build up his war machine. We know that. That was 10 years ago. Now high oil prices yield Saddam Hussein \$75 million a day under a legal U.N. oil-for-food program and \$2 million a day in illegal smuggling revenue which is used to build up his war machine.

Mr. President, we know this for a fact. We know what he is doing with the funds he gets from smuggling oil. Ten years ago, Saddam Hussein was proved to be the biggest threat to peace in the Middle East. As of today, it has cost thousands of lives, some \$10 billion of U.S. taxpayers' money, and 150,000 sorties, where we have flown to enforce our no-fly zone. It has cost the American taxpayers \$10 billion to fence in Saddam Hussein.

Saddam Hussein is still the biggest threat to peace in the Mideast and certainly the biggest threat to Israel. I can't understand why there is not more of an awakening of the fact that we are supporting this tyrant. We are becoming more dependent upon him and we are playing into his hands.

Where is the logic? Where is the American foreign policy? I can simplify foreign policy with regard to Saddam Hussein and Iraq in one single syllogism. We buy his oil, we send him our dollars, we put his oil in our airplanes, and fly over and bomb him. He puts out a press release saying how many people we injured or killed, they rally around Saddam Hussein, and the process starts all over again.

Is this the foreign policy of the United States that we support? Or would we rather ignore it and pretend it doesn't exist? I think the latter is probably the case. It is absolutely incredible that we don't face up to what is happening and the fact that we are condoning this action. Ten years ago, Saddam Hussein was using oil revenue to purchase weapons of mass destruction. Now, Saddam Hussein—the same guy—is using his oil revenue to purchase weapons of mass destruction. We know this. They just tested them yesterday. He has the ability, with the advanced weaponry he has developed, to extend the missile clear to Israel.

Ten years ago, the United States purchased less than 400,000 barrels a day from Iraq—before the war started. Now the United States is purchasing 750,000 barrels a day. Ten years ago, the United States began to import more than 50 percent of our oil, and OPEC became an important voice in U.S. energy policy. Now, the United States, as I have indicated, is importing more than 56 percent of our oil. With Iraq, the fastest-growing supplier, Saddam Hussein has become an important voice—imagine that—in our U.S. energy policy. Saddam Hussein may have lost the war, but he certainly seems to have won the peace. With its energy policy—or lack thereof—the Clinton-Gore administration has snatched defeat from the jaws of the gulf war victory. I will repeat that. Saddam Hussein may have lost the war, but he has won the peace. With its energy policy, or lack of an energy policy, the Clinton-Gore administration has snatched defeat from the jaws of the gulf victory.

We are very much dependent on this source, and the likelihood of reducing it is not going to take place until we send a clear message as to what our energy policy will be. Now, the alternatives aren't really very complex. We either import more and pay the price, or we commit to development and exploration of our energy resources here in the United States. Wyoming, Montana, Colorado—the overthrust belt—have a tremendous potential for oil and gas development, as does Illinois, Pennsylvania, and numerous other States. We have withdrawn about 64 percent of the public land in the United States and exempted it from exploration, let alone production.

Now, we have a tremendous potential in OCS areas—off the shores of Texas, Alabama, Mississippi, and other States, some of which don't want to develop OCS areas off their States. That is their own business. But for those who do they should be allowed to do so. It is kind of interesting because our Vice President made a statement in Louisiana that if he is elected President, he will make an attempt to buy back OCS oil leases and cancel other leases.

Mr. President, that leaves one with the question: Where is this energy

going to come from? We have energy coming from my State of Alaska. We have been producing 20 to 25 percent of our domestic crude oil for the last twenty years. We have the potential for a major discovery in a small sliver of the Arctic area, the Coastal Plain. Let me explain how small that sliver is. In the general area of the Arctic Wildlife Refuge, there are 19 million acres. That is as big as the size of the State of South Carolina. Half of that has been reserved in perpetuity as a wilderness. Nearly the other half has been set aside in a refuge, also in perpetuity, subject to the Congress, who are the only ones that can change it. Out of those 19 million acres, 1.5 million acres was left out to the discretion of Congress back in 1980. That was done as a consequence of the belief that this was the area where a likely discovery could be made.

Well, there have been a lot of estimates. When you look for oil, you never know where you are going to find it or how much you are going to find. If you are going to find it in Alaska, you better find a lot of it; otherwise, you can't afford to produce it. Recent estimates go as high as 16 billion barrels of recoverable reserves. That is based on the latest discovery and production technology, even though much of this area has not been made available for 3D seismic evaluation because it is under the Department of Interior. Sixteen billion barrels would be as much as what we would import from Saudi Arabia for a 30-year period. So it is a substantial amount.

What we need to do in this country—and we need to do it now; the longer we wait, the more dependent we are going to be on OPEC—is to set a clear and decisive policy toward a commitment to reduce our dependence on imports. That is what we have done, along with Senator LOTT and several colleagues, in the legislation we introduced, which is the National Energy Security Act of 2000. We have adopted a goal to guide our energy policy, and the goal is to reduce our dependence on imported oil to less than 50 percent by the end of the decade. When you have that kind of objective, you have an opportunity to send a clear message.

We have to send a clear message. We have to send a message to Saudi Arabia and to Kuwait, and we have to send it to Venezuela and Mexico, that we are committed to reducing our dependence and we are committed to increase exploration and production here in the United States. I admire the commitment of America's environmental community who, for the most part, oppose domestic oil production and exploration in the United States. But I remind them that we have the technology, the know-how, the American can-do spirit, and we can make the impact of development much smaller here and keep the jobs and the dollars at

home, as opposed to the exploration that occurs in other areas of the world where they don't have the environmental safeguards. So what kind of a tradeoff is it? Is it better for the environment that we do it right here at home, or if we depend on those countries that don't have that internal discipline and consideration for the environment?

The industry says that if, indeed, they find oil in this sliver of the Arctic, out of the 1.5 million acres, which is part of the 19 million acres, which is the size of South Carolina, the footprint would be somewhere between 1,500 to 2,000 acres. My friends who are in the farming business know what kind of a farm a 1,500-acre or 2,000-acre farm is. The drilling and exploration would be done in the wintertime. The roads would be ice roads. There would be no permanent community. There would be a compatibility with the caribou. We have addressed all the issues, and we have proven it in Prudhoe Bay, where 20 percent of the crude oil has come from for the last two decades. But that was old technology; we have new technology now. Many don't want us to have an opportunity to find out if indeed the oil is there, and the oil is there in the reserves that we have.

Some people more or less dismiss it, and say, well, we are in a situation with oil. Don't worry. We have lots of natural gas.

As chairman of the Energy Committee, I have a little bit of a different view about the situation with natural gas in this country. Let me start out by reminding you and the American people that there is a rude awakening coming with regard to natural gas. It is going to affect Americans in their heating bills. It is going to affect Americans in their electric bills.

This is what has happened. A year ago in this country the price for natural gas was around \$2.30. Six months ago, it was \$2.56. Deliveries in January are \$4.30. I know many utilities are going to their commissions advising them of rate increases. This hasn't hit the American public yet. If we thought the hue and cry on the increased price of heating oil or gasoline was going to bring down the roof, wait until you hear the cry of the American people this winter when they get their gas bills.

How did this come about? Somebody said, well, we have 160 trillion cubic feet in reserve. That was last year. We have 150 trillion cubic feet this year. We are, again, pulling down our reserves faster than we are finding new reserves. When you do that, you deplete your base.

What also is happening to put further pressure is the electric industry is turning to gas turbines for power generation—turbines. The permitting process is much easier and much cheaper than for building a coal-fired plant.

We have a situation where we are coming to grips. The American people aren't aware of it. They are not reflecting on it because it doesn't really hit them like they were hit in 1973 or 1974 when we had the Arab oil embargo. Some people in this body might be old enough to remember. We had gasoline lines around the block. The public was outraged: How could this happen in this country? How could we have these kinds of shortages? We did. The public reacted. We played the blame game and pointed the finger at everybody and everything. Gasoline and oil prices had no relief in sight.

I can guarantee it, natural gas has spiraled. It is escalating with no relief in sight. How did we get in this situation? One reason is we haven't had an energy policy for a long, long time.

What is our energy policy? Clearly, it is to provide more imports of oil into this country as opposed to developing domestic oil reserves. What is our gas policy on natural gas? We have withdrawn from public lands areas that ordinarily would be available for exploration—64 percent of the overthrust belt, as I have indicated.

What have we done with regard to nuclear power? Twenty percent of our power generation is nuclear energy. We can't pass a bill in this body to deal with the waste. We can't override the President's veto. We are one vote short to address what to do with our nuclear waste. There hasn't been a nuclear plant built in this country in 20 years. There is not going to be. They are building them in China. They are building them in Taiwan. They are building them in France. France is 76 percent dependent on nuclear energy. They don't have air quality problems. They are never going to be held hostage by the Mideast again. They learned that in 1973.

We don't have a policy on oil other than to import more. We don't have a policy for encouraging domestic gas exploration. We don't have a policy to address what we are going to do with our nuclear industry let alone resolve the nuclear waste problem. We have lots of coal. Are we building coal plants? Absolutely not. The permitting time for coal plants puts them out of reach of reality. There are none being built.

Tell me from where the energy is going to come. There are many who say, well, we should find alternative energy. I am all for it. But you name it.

We have spent over \$70 billion in the last two decades subsidizing the development of alternative energy. What is it? Solar, biomass, wind? Some places in my State, such as Barrow, don't get much daylight in the wintertime. It is dark all the time. Sometimes the wind doesn't blow. These alternatives are fine. They have a place. We have to encourage them. But they are not going to take the place of oil and gas in the

near future. By the time we are through evaluating our alternatives, it is not a very bright picture because the alternatives just aren't there. The alternatives provide us with about 4 percent of our current energy mix.

We have hydro. I have not spoken of hydro. It is a renewable resource. There is no question about it. But this administration curiously enough has identified hydro as nonrenewable. I grew up in Ketchikan, AK. We have a couple hundred inches of rain a year. I remember one year we had 226 inches of rain. We have a few little hydrodams.

To suggest rainfall and hydro are not renewable is beyond me. But, nevertheless, the administration proposes to remove some of the dams from the Columbia and Snake Rivers to rebuild the fish runs. Unfortunately, some time ago decisions were made, rightly or wrongly, with regard to the tradeoff on posterity. It is just that simple. You are going to have your natural runs of fish. You are not going to have dams. But they trade it consciously or unconsciously for the agricultural industry associated and what dams those rivers could do with benefits in low-cost power to the residents of the area. Whether you have an aluminum plant, whether you have Boeing, whether you have tremendous agricultural productivity out of land that was once desert, they traded those things off. You can't want it both ways. You want to rebuild the natural runs. Most of the biologists will tell you that you can enhance runs by bringing in new stock, if your ability to rebuild the native runs is pretty remote. Some people suggest it is not possible.

But if you tear down the dams, there is another tradeoff. How much barge traffic that moves the grain and commerce up and down the Columbia and Snake Rivers is going to go back on the highways? It is all going to go back, isn't it? Somebody said there will be 700,000 more trucks on our highways, if you tear down the dams. What kind of a tradeoff is that?

There is no energy policy identifiable with this administration. It is that simple—no oil, no domestic exploration, no hydro, no nuclear, no coal. That is the reality of where we are. It is a pretty bleak picture.

I ask unanimous consent to have printed in the RECORD a statement from Richard Butler from the Washington Post dated Monday, July 17, entitled "Guess Who's Back." It is our friend, Saddam Hussein. It is entitled "Saddam Hussein is reconstituting his capability to deploy weapons of mass destruction."

I also ask unanimous consent to have printed in the RECORD a statement that came out of Reuters today entitled "Venezuelan OPEC president Ali Rodriguez said Tuesday there would be no oil production rise at the end of this month because prices have fallen below

the upper limit of OPEC's price target ban."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Monday, July 17, 2000]

GUESS WHO'S BACK

(By Richard Butler)

So you thought Saddam Hussein was out of your life? Sorry—he's back, manufacturing the weapons of mass destruction with which he threatens the Iraqi people, his neighbors and, by extension, the safety of the world.

Two separate developments have returned Saddam Hussein to the headlines. Earlier this month the administration revealed that its satellites had detected Iraq test-firing Al-Samoud missiles, home-grown, smaller versions of the Scuds last used against Israel during the 1990 Gulf War. The chief of U.S. Central Command, Gen. Tony Zinni, said that the range of the Al-Samoud easily could be increased.

The administration also revealed that Saddam Hussein has been hiding between 20 and 30 Russian Scuds as well as working through front companies outside Iraq to acquire the machine tools needed to build more missiles.

None of this is new. In my last report as executive chairman of UNSCOM, the agency charged with disarming Saddam, I warned the U.N. Security Council about Iraq's missile-development activities. That was almost two years ago, just before Iraq shut down all international arms control and monitoring efforts. I've also publicly detailed Iraq's refusal to yield or account for its holdings of at least 500 tons of fuel usable only by Scud-type missiles. Iraqi officials told me that a complete accounting for this fuel was unnecessary because, after all, Iraq had no Scud missiles. I disagreed, stating that the reverse was true: As long as Iraq refused to yield the fuel, it clearly had concealed Scuds or planned to acquire or build them.

Presumably unconnected with the administration's revelation but simultaneous with it, former UNSCOM inspector Scott Ritter, in an article in *Arms Control Today*, claimed that Iraq is "qualitatively disarmed." He failed to offer any new information or evidence to support this dubious concept.

There were two levels of deception in Iraqi dealings with UNSCOM: concealment and false declarations on the weapons Iraq was prepared to put in play in the disarmament process. When Ritter worked for me, he was in charge of the UNSCOM unit responsible for finding and destroying the concealed weapons, and he was vilified by Iraqi leaders as their major persecutor. Now he says he has had private conversations with unspecified Iraqi officials that have persuaded him they are "qualitatively disarmed" and will accept a new monitoring program if the Security Council first lifts all sanctions against Iraq.

The facts are clear and alarming, and they do not support this assertion. Iraq has been free of any arms control or monitoring regime for almost two years, a consequence of the breakdown of consensus among the permanent members of the Security Council. Now Saddam Hussein is reconstituting his capability to deploy weapons of mass destruction. I've seen evidence of Iraq, attempts to acquire missile-related tools and, even more chilling, of steps the Iraqis have taken to reassemble their nuclear weapons design team. After the Gulf War, experts assessed Iraq was only six months from testing an atomic bomb. It retains that know-how.

It also has rebuilt its chemical and biological weapons manufacturing facilities.

If the United States is serious about addressing the threat current developments raise, it should insist to its fellow permanent members of the Security Council that there be a new consensus on enforcing arms control in Iraq. Selective revelations such as those recently issued by the administration need to be accompanied by a robust policy within the Security Council, making clear particularly to Russia and France that the United States is not prepared to accept their patronage of Saddam Hussein.

CARACAS, July 18 (Reuters)—Venezuelan OPEC President Ali Rodriguez said Tuesday there would be no oil production rise at the end of this month, because prices had fallen below the upper limit of OPEC's price target band.

Speaking to reporters on his arrival in Venezuela after a tour of OPEC countries, the Venezuelan energy and mines minister said the mechanism to trigger an increase in production depended on the OPEC oil basket price staying above \$28 a barrel for 20 consecutive days.

The price of OPEC's basket of crude fell to \$27.46 a barrel on Monday, according to the OPEC secretariat in Vienna.

Asked what would result from the fall in the basket price, Rodriguez replied "the 20-day process will begin again."

OPEC's news agency carried a report on Monday quoting Rodriguez as asking other members to prepare for an output increase of 500,000 barrels a day if prices did not fall.

Asked whether he planned to consult with fellow OPEC members on a possible increase, Rodriguez replied "that does not require consultation." By he added there is unanimous consent in the cartel for an OPEC summit in Caracas in September.

Mr. MURKOWSKI. Mr. President, that is the president of OPEC.

The article further states:

Speaking to reporters on his arrival in Venezuela after a tour of OPEC countries, the Venezuelan energy and mines minister said the mechanism to trigger an increase in production depended on the OPEC oil basket price staying above \$28 a barrel for 20 consecutive days.

Our Secretary of Energy made a deal when he was over there several months ago and petitioned the Saudis for greater production. That was at the time we were first beginning to feel the price escalation. He did generate a commitment for another 500,000 barrels of oil.

However, the American public and the American press made the assumption we were going to get all that increased production. We only got 16 percent. That is our allocation in this country. Mr. President, 16 percent of 500,000 barrels is not enough to fuel Washington, DC, in 1 day. It is a drop in the bucket. Other areas of the world are recovering, including Asia, Japan, and they are increasing in their demand for oil.

In any event, speaking to reporters, the Venezuela Energy and Mines Minister says the mechanism to trigger an increase depended on the OPEC oil basket price staying above \$28 a barrel for 20 consecutive days. He further says

the price of OPEC's basket of crude oil fell to \$27.46 a barrel on Monday, according to the OPEC secretary in Vienna. Asked what the result from the fall in the basket price would be, Rodriguez replied: The 20-day process will begin again.

So we are on another 20 days; no relief for at least 20 days. They are not going to produce more oil, so the price will stay around \$30, where it is currently.

OPEC's news agency carried a report on Monday quoting Rodriguez and other members to prepare for an output increase of 500,000 barrels a day if prices did not fall. Well, they fell. And asked whether he planned to consult with fellow OPEC members on a possible increase, Rodriguez replied that does not require consultation. He added that there is unanimous support in the cartel for an OPEC summit in Caracas in September. Remember where you heard it first. Right out of Caracas, from the president of OPEC, there is no relief in sight until September.

Maybe we ought to go out and fill up our tanks today because it might go up tomorrow.

There we are. A capsule, if you will, of the dilemma with regard to a lack of an energy policy, where we are on gasoline, where we are in heating oil, where we are in natural gas. Who bears the responsibility for this? I think it is fair to say, at times this is a partisan body of some regard, I think we have seen from time to time situations where we point the finger and don't want to bear the responsibility.

At the risk of generating some reaction from my colleagues on the other side of the aisle, I think it is fair I point out some inconsistencies with regard to the position of our Vice President. As we look at the coming election and the role of the candidate on energy and on the environment, I think we have to ask where the candidates really stand. I will give one person's view. As the campaigns march toward November, I think we have to ask ourselves where Vice President GORE really stands in the minds of the voters. I served with the Vice President in this body and I have the deepest respect for him, but I think we are aware that, while he is an expert politician, he is recognized as an extreme environmentalist to some extent. He has a mixed bag. He is involved in policy but he also appears to be a zinc miner, an oil company shareholder, and has a record of shifting his position on energy and environmental issues.

One looks back on gasoline prices, which I have talked a good deal about this evening, but in his book "Earth in the Balance," the Vice President, who certainly structures himself as an environmentalist said: Higher taxes on fossil fuels is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment.

"Changing our policies" is certainly legitimate. Even as the Vice President was casting a tie-breaking vote in this body to raise gasoline taxes—and it was his vote that raised them 4.3 cents—the Environmental Protection Agency determined that more expensive reformulated gasoline needed to be sold in many areas of the country. According to memoranda from the Department of Energy and the Congressional Research Service, EPA's gasoline requirements balkanized the market and strained supply and raised prices.

One has to question whether, if the Vice President's policies were so effective in raising prices, one would expect the Vice President to be somewhat satisfied. But obviously, confronted with angry consumers, AL GORE, the politician, suggested that refiners and oil companies were to blame. There is a lot of blaming around here for anything that is an inconvenience to the public. We all scurry for cover. Again, I think we have to look at whether what AL GORE wrote in his book, "Earth in the Balance," suggests high energy prices would thwart the utiliza-

tion of gasoline that, indeed, he might be satisfied with higher energy prices.

I have been handed a note relative to a matter that is of concern to all Members, and as a consequence I believe the leader is going to request the attention of this body.

I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocations for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the

Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
<b>Current Allocation:</b>		
General purpose discretionary .....	\$541,565,000,000	\$547,687,000,000
Highways .....		26,920,000,000
Mass transit .....		4,639,000,000
Mandatory .....	327,787,000,000	310,215,000,000
<b>Total .....</b>	<b>869,352,000,000</b>	<b>889,461,000,000</b>
<b>Adjustments:</b>		
General purpose discretionary .....	+28,000,000	+6,527,000,000
Highways .....		
Mass transit .....		
Mandatory .....		
<b>Total .....</b>	<b>+28,000,000</b>	<b>+6,527,000,000</b>
<b>Revised Allocation:</b>		
General purpose discretionary .....	541,593,000,000	554,214,000,000
Highways .....		26,920,000,000
Mass transit .....		4,639,000,000
Mandatory .....	327,787,000,000	310,215,000,000
<b>Total .....</b>	<b>869,380,000,000</b>	<b>895,988,000,000</b>

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

Budget authority	Outlays	Surplus
\$1,467,670,000,000	\$1,446,408,000,000	\$56,792,000,000
+28,000,000	+6,527,000,000	-6,527,000,000
1,467,698,000,000	1,452,935,000,000	50,265,000,000

Current Allocation: Budget Resolution .....	
Adjustments: Emergencies .....	
Revised Allocation: Budget Resolution .....	

#### VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 18:

Sabino Cornejo, 39, Memphis, TN; Ronald Dowl, 24, New Orleans, LA; Steven Gardner, 45, Miami-Dade County, FL; Gregory Irvin, 17, St. Louis, MO; Willie Love, Detroit, MI; Iddeen Mustafa, 17, Detroit, MI; Phet Phet Phongsanarh, 20, Detroit, MI; Roberto Ramirez, 15, Detroit, MI; Ronald Regaldo, 19, Denver, CO; Lenou Thammavongsa, Detroit, MI; Jorge Vasquez, 18, Dallas, TX; Dawamda Withrow, 20, New Orleans, LA; Unidentified male, 25, Norfolk, VA.

One of the victims of gun violence I mentioned was Sabino Cornejo, a 39-year-old Memphis man who was a beloved and highly respected member of his community. One year ago today, gunmen burst into his home and ordered him and his family to the floor.

Sabino was shot and killed in front of his four children.

We cannot sit back and allow such senseless gun violence to continue. The time has come to enact sensible gun legislation. Sabino's death is a reminder to all of us that we need to act now.

#### DEATH TAX ELIMINATION ACT

Mr. KYL. Mr. President, last Friday, the Senate concluded debate on the Death Tax Elimination Act, H.R. 8, and passed the bill by a bipartisan vote of 59 to 39. I am very grateful to Senators on both sides of the aisle who supported this important legislation.

The broad, bipartisan support the death-tax repeal bill received suggests that we have finally found a formula for taxing inherited assets in a fair and common sense way. Unrealized gains will be taxed, but they will be taxed when they are earned—not at death. Death itself will no longer trigger a tax.

This change—effectively substituting a capital-gains tax, which would be due upon the sale of inherited assets, for an estate tax at death—is itself a compromise.

When I first introduced a death-tax repeal bill in 1995, I did not propose any change in the stepped-up basis—a change that is at the heart of this bill. My original legislation would have repealed the death tax and allowed heirs to continue to step up the tax basis in

the inherited property to the fair market value at the date of death.

That is obviously the ideal world for taxpayers: No death tax, and a minimal capital-gains tax when the inherited assets are later sold. The problem was, that approach sat idle for four years. We could not get it to the Senate floor for a vote, and we could not attract bipartisan support for it.

The idea behind this bill really came out of a hearing before the Senate Finance Committee in 1997. At the hearing, Senators MOYNIHAN and KERREY acknowledged that the death tax was problematic, but expressed the concern that, if we repealed the death tax without adjusting the basis rules, unrealized gains in assets held until death could go untaxed forever.

It struck me then that we had the basis for a compromise. If we could agree that death should not trigger a tax, we should be able to agree that death should not confer a tax benefit, either. The answer was to simply take death out of the equation. Coupling death-tax repeal with a limitation on the step-up in basis does just that.

So H.R. 8 represents a compromise. And that is why, I think, we were able to win the votes of 59 Senators, including nine Democrats. And that is why 65 Democrats were able to support the legislation in the House of Representatives.

During consideration of the death-tax repeal bill last week, some of our colleagues on the other side proposed a different kind of compromise. They

said theirs would repeal the death tax for virtually all family-owned businesses and farms. Some have suggested that, if President Clinton vetoes the death-tax repeal initiative, the Democratic substitute might serve as a basis for further compromise. The problem is, the approach taken in the substitute—while well-intentioned—is fatally flawed.

Here is how the Wall Street Journal put it in an editorial on July 13:

Senate Democrats also offer to expand a small-business and farm exception that is a tax-lawyer's dream. The loophole, known as IRS Code section 2057, is so complicated and onerous that few estates qualify.

Let me take a few moments to explain the deficiencies of this Democratic substitute. First, there are requirements that more than 50 percent of the decedent's assets must be made up of the qualifying business; that the decedent or immediate family must have actively operated the business for five of the eight years preceding death; and that a member of the immediate family must agree to continue to operate the business for at least 10 years after the decedent's death.

If any of these conditions is not adhered to for 10 full years after death, the government can still collect the original estate-tax that was due, plus accrued interest.

And understand this: to protect its right to recapture the estate tax if the business fails to comply, the Federal Government attaches a Federal tax lien to the property for a full 10 years. For a business, like farming, which is credit-dependent, such tax liens can make it virtually impossible to secure loans and financing for business operations, for growth, and for viability. In addition, the heirs are held personally liable for the estate tax and any penalties.

So, far from providing meaningful relief, the Democratic substitute leaves a cloud over the family business for up to a decade after death. The government can come back any time and recapture the estate tax that was due, plus interest, if the business, at any point, falls out of compliance. The threat of reimposition of the tax absolutely limits the family's flexibility in managing and disposing of business assets in its best interest.

The Democratic substitute relies on the current law's onerous material participation requirement, which, in effect, forces the family to work in the day-to-day operation of the business, or face the death tax, plus severe penalties. These requirements may be difficult to satisfy if, for example, the present owners are disabled or other family members are not yet involved in the business.

It relies on very complex rules for determining the value of farms and closely-held business interests. Historically, the IRS has challenged virtually every

valuation method used, and these challenges typically wind up in Tax Court.

There are currently 149 tax cases which have been decided and reported involving 2032A issues. The IRS has challenged the validity of 2032A election or planning, and has won in approximately 67 percent of the cases. An equal number may be embroiled in the administrative process before court action. So much for relief—two-thirds of the few who do think they qualify, do not ultimately qualify and have to pay the tax with interest.

The so-called family business "carveout," which is embodied in Section 2057 of current law, is so bad that the Real Property and Probate Section of the American Bar Association has urged its repeal.

The reason the ABA condemns this section so strongly is that it is extremely complex and has an extremely limited application. It provides little practical help to families trying to preserve the family-owned farm or small business. It incorporates 14 sections from Section 2032A, which the ABA considers the most dangerous section of the estate-tax law because of the risk of malpractice claims against estate-planning lawyers and accountants.

So the fact is, if you rely on these sections of the tax code, you can raise the value of the estates eligible for relief as high as you want, and still few estates are going to get the intended relief. Estimates are that only about three to five percent of estates would benefit, and even then, as I said before, if they do not continue to meet all requirements for 10 years after death, the government can still come back and collect the original estate-tax bill plus accrued interest. The government's interest is protected by a lien that is maintained on the business for 10 years.

Of course, because the family-business carveout is so complex—because it requires determining compliance and ensuring continued compliance for 10 years—business owners have to continue to engage in expensive estate-tax planning. That is a tremendous waste of resources—resources that would otherwise be plowed back into the business for new jobs, better pay for current employees, business expansion, or research and development.

A recent report by the National Association of Women Business Owners (NAWBO) found that, "on average, 39 jobs per business or 11,000 jobs have already been lost due to the planning and payment of the death tax." NAWBO projects that, on average, 103 jobs per business, or a total of 28,000 jobs, will be lost as a result of the tax over the next five years. That would not change under the Democratic substitute, because there would still be a need for expensive estate-tax planning.

Mr. President, 59 Senators voted for a better approach—one that takes death

out of the equation and taxes inherited assets like any other assets for tax purposes. A capital-gains tax would be paid when the assets are sold, with only a limited adjustment in the decedent's tax basis to ensure that no one is subject to new tax liability.

That is the true compromise. Tinkering with an already unworkable section of the tax code is not an effective substitute. I hope the President will sign the Death Tax Elimination Act when it reaches his desk. If not, we will be back next year when a new President is in the White House, and I predict that we will prevail.

I yield the floor.

#### WILLISTON WATER TRANSMISSION LINE

Mr. DORGAN. Mr. President, I rise today as a proud cosponsor of the bill to authorize the Williston Water Transmission Line. Williston is a small town of 13,000 located in the Northwest corner of North Dakota about twenty miles East of the Montana state line. Williston is located along the Missouri River not far from where the Fort Union Trading Post existed from 1828-1867. Today the fur trading post is a tourist attraction, and agriculture and oil productions are the main industries in the Williston area.

Mr. President, prior to construction of the existing Williston Water Treatment Plant, Williston obtained water to meet its municipal needs from the Missouri River. With the construction of the Garrison Dam and the creation of Lake Sakakawea in 1954, Williston is in the delta area of Lake Sakakawea and had to relocate its water intake and water treatment plant approximately five miles upstream to its present location. The Corps and Williston funded the construction of a large diameter transmission line to convey the entire water supply from the water treatment plant to the city of Williston.

All of the water treated by the water treatment plant must flow through this single existing transmission line to reach Williston. In the 1970's and early 80's, siltation covered the existing intake valves for the city's water supply, requiring the construction of two new intake valves. The lake is currently silting twice as fast as the original Corps estimate. Mr. President, in the spring of 1998, a leak in the transmission line caused by the saturated soil forced the city to forgo any supply of water for five and a half days. The lack of accessibility, unstable soil conditions and high ground water along the route make the line's reliability a significant concern. Williston must now construct a new water transmission line on higher ground.

This bill will authorize the construction of a new water transmission line to Williston. Because the old line has

been damaged by the construction of the Garrison Dam, this authorization is appropriate and essential. Mr. President, I would like to commend the residents of Williston who have worked so hard for so long to resolve this problem. They have been tireless in their efforts to fix this problem—a problem caused by the Federal government.

Mr. President, I join with Senator CONRAD and look forward to working with my colleagues to ensure the citizens of Williston have a reliable water transmission line.

#### THE WHITE MOUNTAIN NATIONAL FOREST

Mr. KERRY. Mr. President, today the Senate passed the Interior Appropriations bill for fiscal year 2001. Included in that legislation is a rider that exempts the White Mountain National Forest in New Hampshire from the Forest Service's Roadless Initiative. While I supported the passage of the Interior Appropriations bill, I want to express my concern over this rider.

I am concerned because the White Mountain National Forest is a national resource, and it is completely appropriate for the federal government to set forth policies to conserve and protect a national resource. Many of my constituents in Massachusetts hike, camp, sightsee and enjoy the great natural lands of the White Mountains. In fact, it was a Massachusetts Congressman, John Weeks, who sponsored the legislation creating the White Mountain National Forest. When the Forest Service sought comment on a new management plan for the forest, more than 54 percent of all comments were submitted by Massachusetts residents. Proponents of the rider have argued that its purpose is to protect local control of forest management. Certainly local residents should have input in the management of the forest. I urge local participation in decisions at Cape Cod National Seashore. However, it sets a bad precedent when one forest is exempted from a national policy to protect the national interest.

Despite these concerns I did not move to strike this rider. The reason, ironically, is that I'm confident that the White Mountain National Forest will remain protected because of local input. Time and again, the local process, driven by the citizens of New Hampshire and Massachusetts, has resulted in sound management of the White Mountain National Forest. So, while I oppose the amendment for the precedent it will set, I expect and hope that it will have almost no impact on the health of the forest.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 17, 2000, the federal debt stood at

\$5,671,572,598,778.11 (Five trillion, six hundred seventy-one billion, five hundred seventy-two million, five hundred ninety-eight thousand, seven hundred seventy-eight dollars and eleven cents).

Five years ago, July 17, 1995, the federal debt stood at \$4,927,653,000,000 (Four trillion, nine hundred twenty-seven billion, six hundred fifty-three million).

Ten years ago, July 17, 1990, the federal debt stood at \$3,160,395,000,000 (Three trillion, one hundred sixty billion, three hundred ninety-five million).

Fifteen years ago, July 17, 1985, the federal debt stood at \$1,795,284,000,000 (One trillion, seven hundred ninety-five billion, two hundred eighty-four million).

Twenty-five years ago, July 17, 1975, the federal debt stood at \$533,089,000,000 (Five hundred thirty-three billion, eighty-nine million) which reflects a debt increase of more than \$5 trillion—\$5,138,483,598,778.11 (Five trillion, one hundred thirty-eight billion, four hundred eighty-three million, five hundred ninety-eight thousand, seven hundred seventy-eight dollars and eleven cents) during the past 25 years.

#### ADDITIONAL STATEMENTS

##### HONORING THE ECOLE CLASSIQUE ACADEMIC GAMES TEAM

• Mr. BREAU. Mr. President, I rise to pay tribute to the Ecole Classique Academic Games team from Metairie, Louisiana, which is one of the most successful Academic Games teams in America.

For the past seven years, Ecole Classique has competed in the National Academic Games in Eatonton, Georgia. Over these years, the team has won hundreds of first, second and third place honors, more than 100 national titles, and seven sweepstakes championships as the finest team in the country. They have also won national titles in all four divisions, something no other school in the country has ever achieved.

The Ecole Classique team undergoes an intense year of preparation and hard work to prepare for the Academic Games. At the tournament they divide into four divisions and use creative problem solving skills and strategies to compete against other students from across America in the areas of Social Studies, Language Skills, Mathematics and Logic.

Once again, their hard work has paid off. At this year's competition, the Ecole Classique students won more than 100 trophies, 16 national championships and two sweepstakes titles—far outpacing their nearest competitors.

Making Ecole Classique's accomplishment even more remarkable is the

fact that while other teams are comprised of all-star students pooled from multiple schools, Ecole Classique's team only consists of students who attend this small school in Metairie, Louisiana.

I must also salute the team's coach, Don Shannon. An extraordinary leader and mentor, Mr. Shannon has distinguished himself by becoming the only Academic Games coach in the nation to lead multiple sweepstakes champions in all four divisions.

I congratulate the remarkable students of Ecole Classique's Academic Games team who continue to make their family, school and community proud, and extend my very best wishes for their continued success.●

##### TRIBUTE TO WILLIAM WENTWORTH—2000 ENTREPRENEUR OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor William Wentworth upon his recognition as the 2000 Entrepreneur of the Year by the New Hampshire High Technology Council.

Bill is the President and CEO of Source Electronics, a software programming company that he has increased in size from three employees in 1988 to its current number of 220. Bill's strong commitment to customer service and the highest levels of quality are the primary reason why Source Electronic was able to grow into such a successful business.

Source Electronics illustrates true dedication to its clients by tailoring programs to meet their needs, such as an interactive website allowing customers the ability to submit and track their orders. It is competitive advantages like these that set Source Electronics apart from other companies and allows them to do business with large firms such as Lucent Technologies, Cabletron and Motorola, to name a few. The enthusiastic dedication to serve and support the customer is also demonstrated by the entire staff at Source Electronics, undoubtedly a result of the examples Bill has set for others. Under Bill's strong leadership, Source Electronics was voted one of the top ten companies in New Hampshire in 1997 and 1999.

The hard work Bill has invested into his company proves his keen business skill. The dedication he has exhibited in placing customer concerns first is truly commendable. It is companies like Bill's that prove New Hampshire's competitiveness in the technological field. Bill, it is an honor to represent you in the United States Senate.●

##### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.



## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

# REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE TALIBAN IN AFGHANISTAN—MESSAGE FROM THE PRESIDENT—PM 120

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Taliban (Afghanistan) that was declared in Executive Order 13129 of July 4, 1999.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, July 17, 2000.

## MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 728. An act to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

H.R. 3985. An act to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building."

H.R. 4437. An act to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3985. An act to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building"; to the Committee on Governmental Affairs.

The following bill, received previously from the House of Representatives for concurrence, was read twice, and referred as indicated:

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; to the Committee on Energy and Natural Resources.

## MEASURE PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-566. A resolution adopted by the House of the General Assembly of the State of Illinois relative to the financial structure of the Coal Act; to the Committee on Finance.

## HOUSE RESOLUTION NO. 564

Whereas, Illinois is a coal-producing and coal-consuming State that has benefitted tremendously from the hard, dangerous work of retired coal miners; and

Whereas, The United States government entered into a contract with the coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, This contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, A federal commission established by U.S. Secretary of Labor Elizabeth Dole concluded in 1990: "Retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is now they planned their retirement years. That commitment should be honored."; and

Whereas, This promise became law in 1992 when Congress passed, and President George Bush signed, the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, The Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act to:

"(1) remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry;

(2) allow for sufficient operating assets for such plans; and

(3) provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans"; and

Whereas, Certain court decisions have eroded the financial structure that Congress put in place under the Coal Act; and

Whereas, These court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; therefore, be it

*Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we urge the Congress and the Executive Branch of the United States to work together to reform the financial structure of the Coal Act and to ensure that retired coal miners continue to receive the health care benefits they were promised and so rightly deserve; and be it further*

*Resolved, That suitable copies of this resolution be sent to the President of the United States and to each member of the Illinois congressional delegation.*

POM-567. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to market access concerning China; to the Committee on Finance.

## RESOLUTION

In agriculture, tariffs on U.S. priority products, such as beef, dairy and citrus fruits, will drop from an average of 31% to 14% in January 2004. China will also expand access for bulk agricultural products such as wheat, corn, cotton, soybeans and others; allow for the first time private trade in said products; and eliminate export subsidies. In manufactures, Chinese industrial tariffs will fall from an average of 25% in 1997 to 9.4% in 2005. In information technology, tariffs on products such as computers, semiconductors, and all Internet-related equipment will fall to zero by 2005. In services, China will open markets for distribution, telecommunications, insurance, express delivery, banking, law, accounting, audiovisual, engineering, construction, environmental services, and other industries.

At present, China severely restricts trading rights, i.e., the right to import and export, as well as the ability to own and operate distribution networks, which are essential in order to move goods and compete effectively in any market. Under the proposed agreement, China will phase in such trading rights and distribution services over three (3) years, and also open up sectors related to distribution services, such as repair and maintenance, warehousing, trucking and air courier services. This will allow American businesses to export directly to China and to have their own distribution network in China, rather than being forced to set up factories in China to sell products through Chinese partners, as has been frequently the case until now.

At the same time, the proposed agreement offers China no increased access to American markets. The United States agrees only to maintain the market access policies that already apply to China, and have for over twenty (20) years, by making China's current Normal Trade Relations status permanent. WTO rules require that members accord each other such status on an unconditional basis.

If Congress does not grant China "Permanent Normal Trade Relations" status, our European, Asian, Canadian and Latin American competitors will reap the benefits of China's WTO accession, but China would not be required to accord these benefits to the United States.

In addition to purely economic considerations, China's accession to the WTO will promote reform, greater individual freedom, and strengthen the rule of law in China, which is why the commitments already made

represent a remarkable victory for Chinese economic reformers. Furthermore, WTO accession will give the Chinese people greater access to information, and weaken the ability of hardliners in the Chinese government to isolate China's public from outside ideas and influences. In view of these facts, it is not surprising that many of China's and Hong Kong's activists for democracy and human rights—including Martin Lee, the leader of Hong Kong's Democratic Party, and Ren Wanding, a prominent dissident who has spent many years of his life in prison—see China's WTO accession as the most important step toward reform in the past two decades.

Finally, WTO accession will increase the chance that in the new century, China will be an integral part of the international system, abiding by accepted rules of international behavior, rather than remain outside the system, denying or ignoring such rules. From the U.S. perspective, PNTR advances the American people's larger interest to bring China into international agreements and institutions that can make it a more constructive player in the current world, with a significant stake in preserving peace and stability.

For all of the above considerations, the Senate of Puerto Rico joins in urging the President and the Congress of the United States to pass a Permanent Normal Trade Relations ("PNTR") agreement with China at the earliest possible moment, which will provide American farmers, workers and industries with substantially greater access to the Chinese market, to the ultimate benefit of the U.S. economy in general and the American people in particular. Be it

*Resolved by the Senate of Puerto Rico:*

SECTION 1.—To urge the President and the Congress of the United States to approve a Permanent Normal Trade Relations ("PNTR") agreement with China at the earliest possible date in order to promote security and prosperity for American farmers, workers and industries by providing substantially greater access to the Chinese market.

SECTION 2.—This Resolution will be officially notified to the Honorable William Jefferson Clinton, President of the United States, to the Honorable Albert Gore, Jr., Vice-President of the United States, to the Honorable Trent Lott, United States Senate Majority Leader, and to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives, as well as selected Members of the United States Congress.

SECTION 3.—This Resolution will be publicized by making copies thereof available to the local, state and national media.

SECTION 4.—This Resolution will become effective immediately upon its approval by the Senate of Puerto Rico.

POM-568. A resolution adopted by the House of the General Assembly of the Commonwealth of Virginia relative to the financial structure of the "Coal Act"; to the Committee on Finance.

#### HOUSE RESOLUTION No. 6

Whereas, the Commonwealth of Virginia is a coal-producing and coal-consuming state that has benefited tremendously from the hard, dangerous work of retired coal miners; and

Whereas, the United States government entered into a contract with coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, this contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, a federal commission established by United States Secretary of Labor Elizabeth Dole concluded in 1990 that "retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is how they planned their retirement years. That commitment should be honored"; and

Whereas, this promise became law in 1992 when Congress passed, and President George Bush signed, the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, the Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act "(1) to remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry; (2) to allow for sufficient operating assets for such plans; and (3) to provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans"; and

Whereas, certain court decisions have eroded the financial structure that Congress put in place under the Coal Act; and

Whereas, these court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; now, therefore, be it

*Resolved by the House of Delegates, That the President and the Congress of the United States be urged to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promised and so rightly deserve; and, be it*

*Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.*

POM-569. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Trade Act of 1974; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION No. 284

Whereas, the Trade Act of 1974 established a statutory framework for providing transitional adjustment assistance to employees displaced due to increased importation of competitive products; and

Whereas, the adoption by Congress of the North American Free Trade Agreement (NAFTA) included the establishment of a transitional adjustment assistance program in the event that imports of competitive goods from Canada or Mexico are an important contribution to workers' separation; and

Whereas, since the adoption of NAFTA, the number of imports from Canada and Mexico of products directly competitive with products manufactured in the United States has increased; and

Whereas, many manufacturing plants in the United States have displaced workers or closed entirely due to increased competition from imported products; and

Whereas, American workers have had difficulty finding similar employment and need retraining services to be qualified for other types of employment; and

Whereas, the current length of time for retraining benefits under the Trade Act is in-

adequate for most Americans to complete retraining programs; now, therefore, be it

*Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; and, be it*

*Resolved further, That the General Assembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater benefits to workers displaced due to the adoption of NAFTA; and be it*

*Resolved finally, That the Clerk of the House of Delegation transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the Virginia Congressional Delegation, and to the presiding officer of each house of each state legislative body in the United States of America.*

POM-570. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the North American Free Trade Agreement transitional adjustment assistance; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION No. 283

Whereas, ratification of the NAFTA treaty was a congressional policy decision which could benefit the continent as a whole; and

Whereas, one of the effects of NAFTA has been to set the United States and other countries on the road to economic globalization; and

Whereas, professional economists continue to analyze and to debate the efficacy of economic globalization; and

Whereas, however, professional economists and most policy makers are not directly or dramatically affected by economic globalization; and

Whereas, although the United States continues to experience economic prosperity, pockets of the United States and Virginia have not benefited from the financial boom; and

Whereas, when plants close because of outsourcing of labor costs to other countries, the people who lose their jobs are not likely to feel sympathy for the benefits of a global economy to the rest of the country or the Commonwealth; and

Whereas, these displaced workers are frequently entitled to elect such benefits as the 18-month COBRA extension of health care insurance coverage; and

Whereas, the costs of the COBRA extension are often beyond the means of unemployed individuals with families; and

Whereas, those individuals who lose their jobs because of the effects of NAFTA and globalization are tax-paying and responsible citizens who, through no fault of their own, must face an uncertain future in the new millennium that may include retraining, the search for new employment, and inadequate access to health care; now, therefore, be it

*Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enhance the benefits for individuals eligible for North American Free Trade Agreement (NAFTA) transitional adjustment assistance by providing*

expanded and short-term eligibility for medical assistance services to such individuals and their families; and, be it

*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-571. A resolution adopted by the House of the Legislature of Louisiana relative to a multiyear reauthorization of the Coastal Wetlands Planning, Protections, and Restoration Act; to the Committee on Environment and Public Works.

#### HOUSE RESOLUTION NO. 6

Whereas, the Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) has been the keystone of state and federal efforts to restore Louisiana's disappearing coastal lands; and

Whereas, it is essential to successfully build on and improve the coastal stewardship campaign that holds and secures the resources, communities, and economies dependent upon the barrier shorelines, wetlands, fisheries, and estuaries of our coastal zone; and

Whereas, it is vital to the interests of Louisiana and this nation that CWPPRA and the efforts it has authorized and funded be continued; and

Whereas, the United States Senate has already passed a multiyear reauthorization of CWPPRA. Therefore, be it

*Resolved*, That the House of Representatives of the Legislature of Louisiana does hereby memorialize congress that it is in the urgent best interests of the state of Louisiana and of the United States of America to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-572. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Michigan's Remedial Action Plans; to the Committee on Environment and Public Works.

#### SENATE RESOLUTION NO. 133

Whereas, the United States-Canada Great Lakes Water Quality Agreement of 1972, as amended, provided for the designation of Areas of Concern in need of remedial actions to address documented pollution problems; and

Whereas, Fourteen Areas of Concern have been designated in Michigan, each with a Remedial Action Plan process that coordinates and focuses the efforts of multiple levels of government and other stakeholders; and

Whereas, Many of Michigan's Remedial Action Plans are entering the implementation phase, when funding for technical guidance and coordination by state agency staff is critically important; and

Whereas, The United States Environmental Protection Agency (EPA) has traditionally supported state Area of Concern efforts. This is consistent with the EPA's responsibilities under the Great Lakes Water Quality Agreement; and

Whereas, Funding through the EPA is vital to leveraging funding through the Clean

Michigan Initiative environmental bond program to implement measurable environmental improvements in Michigan's fourteen Areas of Concern; now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to reaffirm its support for and federal role in the Areas of Concern program by allocating a minimum of \$7.5 million for the Great Lakes Areas of Concern in Fiscal Year 2001; and be it further

*Resolved*, That we urge that no less than \$1.0 million of this total be allocated by the EPA for efforts within the state of Michigan to develop and implement Remedial Action Plans and associated activities under the Great Lakes Water Quality Agreement; and be it further

*Resolved*, That we urge that these funds be allocated to provide no less than \$700,000 for Michigan Department of Environmental Quality staff; \$125,000 for Statewide Public Advisory Council activities; and \$175,000 for support to individual Public Advisory Councils within the Areas of Concern; and be it further

*Resolved*, That we urge that funding support for the EPA be used to leverage substantial resources from the Clean Michigan Initiative environmental bond program for contaminated sediment remediation, nonpoint source pollution control, brownfields redevelopment, and other critical efforts; and be it further

*Resolved*, That copies of this resolution be transmitted to the Administrator of the EPA, the EPA's Region 5 office, the EPA's Great Lakes National Program Office, the International Joint Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-573. A resolution adopted by the County of Ocean, New Jersey relative to halt the dumping of dredge materials; to the Committee on Environment and Public Works.

POM-574. A resolution adopted by the Council of Stafford Township, New Jersey relative to the prohibiting of ocean dumping of dredged material; to the Committee on Environment and Public Works.

POM-575. A resolution adopted by the Township of Eagleswood, New Jersey relative to the halting of dumping of dredged material; to the Committee on Environment and Public Works.

POM-576. A resolution adopted by the Council of the Borough of Barnegat Light, New Jersey relative to ocean dumping; to the Committee on Environment and Public Works.

POM-577. A resolution adopted by the Township of Stafford, New Jersey relative to the dumping of dredge spoils at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM-578. A resolution adopted by the Township Committee of Dover, New Jersey relative to the halting of dumping at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM-579. A resolution adopted by the Council of Borough of Barnegat Light, New Jersey relative to the dumping of contaminated dredged material; to the Committee on Environment and Public Works.

POM-580. A resolution adopted by the Board of Commissioners of the Borough of Beach Haven, New Jersey relative to the "Mud Dump site"; to the Committee on Environment and Public Works.

POM-581. A resolution adopted by the Council of the Borough of Ship Bottom, New Jersey relative to the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM-582. A resolution adopted by the Legislature of the State of New York relative to the Boundary Waters Treaty Act; to the Committee on Environment and Public Works.

#### RESOLUTION

Whereas, Water is a critical resource that is essential for all forms of life and for a broad range of economic and social activities; and

Whereas, The Great Lakes support 33 million people as well as a diversity of the plant and animal populations; and

Whereas, The Great Lakes contain roughly 20% of the world's freshwater and 95% of the freshwater of the United States; and

Whereas, The Great Lakes are predominantly non-renewable resources with approximately only 1% of their water renewed annually by precipitation, surface water runoff and inflow from groundwater sources; and

Whereas, The Great Lakes Basin is an integrated and fragile ecosystem with its surface and groundwater resources a part of a single hydrologic system, which should be dealt with as a whole in ways that take into account water quantity, water quality and ecosystem integrity; and

Whereas, Sound science must be the basis for water resource management policies and strategies; and

Whereas, Scientific information supports the conclusion that a relatively small volume of water permanently removed from sensitive habitats may have grave ecological consequences; and

Whereas, Single and cumulative bulk removals of water from drainage basins such as interbasin transfers, reduce the resiliency of a system and its capacity to cope with future, unpredictable stresses, including potential introduction of non-native species and diseases to receiving waters; and

Whereas, There is uncertainty about the availability of Great Lakes water in the future—in light of previous variations in climatic conditions, climate change, demands on water—cautions should be used in managing water to protect the resource for the future; and

Whereas, A report from The International Joint Commission, released March 15, 2000, recommends that Canadian and U.S. federal, provincial and state governments should not permit the removal of water from the Great Lakes Basin unless the proponent can demonstrate that the removal will not endanger the integrity of the Great Lakes Ecosystem; and

Whereas, Canada has already introduced legislation to amend the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes; now, therefore, be it

*Resolved*, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to effectuate an amendment to the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes to preserve the integrity and environmental stability of the Great Lakes; and be it further

*Resolved*, That copies of this Resolution, suitably engrossed, be transmitted to each member of the United States Congressional Delegation of the State of New York; to the Vice President of the United States in his capacity as President of the United States Senate; to the Speaker of the United States

House of Representatives; to the Clerk of the United States House of Representatives; to the Secretary of the United States Senate; and to the Administrator of the United States Environmental Protection Agency.

POM-583. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the proposed "Solid Waste Interstate Transportation and Local Authority Act"; to the Committee on Environment and Public Works.

#### HOUSE JOINT RESOLUTION NO. 385

Whereas, recent reports issued by the Department on Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states in the nation, second only to Pennsylvania, and is currently importing approximately four million tons of municipal solid waste from other states; and

Whereas, the amount of municipal solid waste being imported into Virginia from other states is expected to increase in coming years due to the impending closure of the Fresh Kills Landfill in New York; and

Whereas, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

Whereas, the importation of significant amounts of municipal solid waste from other states has created many short-term environmental problems for Virginia as a result of an increase in the number of garbage trucks on its roads and an increase in the number of garbage barges on its rivers; and

Whereas, the importation of significant amounts of municipal solid waste from other states creates serious long-term environmental problems for Virginia; and

Whereas, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination of tourism and high-tech economic development; and

Whereas, the Commerce Clause of the United States Constitution and the interpretation and application of the Commerce Clause by the United States Supreme Court and other federal courts with respect to interstate solid waste transportation have left Virginia and other states with limited alternatives in regulating, limiting or prohibiting the importation of municipal solid waste from other states; and

Whereas, it is the belief of the General Assembly of Virginia that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; now, therefore, be it

*Resolved by the House of Delegates, the Senate concurring,* That the Congress of the United States be urged to enact the Solid Waste Interstate Transportation and Local Authority Act of 1999 (HR 1190) that gives state and local governments additional authority to regulate the importation of municipal solid waste into their jurisdictions; and be it

*Resolved Further,* That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-584. A joint resolution adopted by the Legislature of the State of California rel-

ative to homelessness; to the Committee on Health, Education, Labor, and Pensions.

#### ASSEMBLY JOINT RESOLUTION NO. 39

Whereas, Homelessness has been steadily increasing for several years and constitutes, especially for the mentally ill, an archaic form of human misery that can no longer be tolerated in this, the world's greatest and most responsive democracy; and

Whereas, Homelessness creates a sizable drain on social and economic resources and is a frustration to legitimate commerce and an obstacle to community development; and

Whereas, Prevention of future homelessness will pay great dividends to American society that will more than justify the effort and costs of instituting a national plan for the homeless; and

Whereas, Health and social services, as well as welfare institutions, are now faced with the urgent necessity of creating new avenues of cooperation, coordination, and mutual support, and there is a nationwide need for new concentrations of community outreach, and active, aggressive provision of services, for the treatment and prevention of homelessness and of mental illness among the homeless; and

Whereas, A number of recent studies, all reliable, broadly-based, and conducted independently of one another, reveal that American homeless persons number over two and one-half million at any given time, and fall into one or more of the following general categories:

- (a) Women and their children;
- (b) The mentally ill;
- (c) Military veterans;
- (d) Drug and/or alcohol addicts;
- (e) Parolees or probationers;
- (f) HIV/Aids victims;
- (g) Functionally illiterate persons or others with incomplete educations;
- (h) Newly-evicted working poor; and
- (i) Welfare recipients for whom aid has been reduced or curtailed; and

Whereas, The causes of homelessness are numerous and complex and therefore the cure cannot be simplistic and cannot exclusively address any single issue or causative factor; and

Whereas, Due to a lack of resources, many local governments, particularly cities and counties throughout the State of California and nationwide, have increasingly relied upon law enforcement or the enactment or enforcement of municipal codes and ordinances to address the behavioral aspects of homelessness. This approach has resulted in public policy that focuses on a person's status as homeless, instead of focusing on the obstacles that need to be overcome to solve the problem of homelessness; and

Whereas, It is absolutely necessary that any meaningful, comprehensive plan for the eradication or significant reduction of homelessness be instituted at the federal level because successful local model projects will not achieve permanence and uniform consistency unless they are integrated into a national strategy; and

Whereas, The number of homeless men, women, and children throughout the United States is increasing at an alarming rate; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature calls for, endorses, and supports a comprehensive national plan to end homelessness, and urges the President of the United States, Congress, and other relevant federal agencies to develop and implement a comprehensive plan to end homelessness; and be it further

*Resolved,* That the President of the United States is requested to convene a National Commission on Homelessness, nonpartisan and broadly representative in composition, with the specific mission of developing a comprehensive strategic plan for addressing homelessness, its causes, and its prevention nationwide; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-585. A resolution adopted by the Legislature of the State of California relative to Ryan White CARE Act; to the Committee on Health, Education, Labor, and Pensions.

#### ASSEMBLY JOINT RESOLUTION NO. 47

Whereas, In California, as of January 1, 1999, more than 110,000 individuals have been infected with the expanding pandemic known as acquired immune deficiency syndrome (AIDS); and

Whereas, The State of California created an Office of AIDS within the State Department of Health Services to proactively address issues relating to the human immunodeficiency virus (HIV) and AIDS; and

Whereas, This office directly administers the expenditure of federal and state funds to combat the disease; and

Whereas, Due to advancements in pharmaceutical therapies and an increasing focus on early intervention and treatment, the number of individuals living with HIV has grown significantly; and

Whereas, For many, the progression from HIV to an AIDS diagnosis has slowed considerably as a result of these therapies; and

Whereas, It is estimated that more than 44,000 California residents are currently living with AIDS, 15 percent of the nationwide total of 288,000; and

Whereas, It is estimated by the Centers for Disease Control and Prevention that there are 40,000 new HIV infections annually in the United States and that California accounts for one-fifth, or 8,000, of these infections; and

Whereas, Approximately one-third of Californians with HIV disease are unaware of their diagnosis and tens of thousands of individuals know they are HIV-positive but are not receiving care regularly; and

Whereas, The number of annual AIDS deaths in California dropped 51 percent between 1996 and 1997; however, between 1997 and 1998, deaths dropped by only 27 percent; and

Whereas, HIV/AIDS in California has a significant impact on communities of color, gay and bisexual men, and women, as well as low-income and other underserved communities; and

Whereas, As many as one-half of new HIV infections occur in people under the age of 25 years; one in four are in young people under age 22 years; and

Whereas, Increasingly, some individuals with HIV disease have also been diagnosed with substance abuse or mental illness; and

Whereas, Substance abuse is a factor in well over 50 percent of new HIV infections in some cities; and

Whereas, California looks to the federal government to assist the state in meeting the expanding health care and social service needs of people living with HIV disease; and

Whereas, The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act (42 U.S.C. Sec. 300ff et seq.) was first adopted by the Congress in 1990; and

Whereas, The Ryan White CARE Act expires on September 30, 2000; and

Whereas, Since its inception, the Ryan White CARE Act has ensured the delivery of medical care and treatment as well as essential support services to tens of thousands of Californians including medical examinations, laboratory procedures and evaluations, drug therapy, dental care, case management, home health and hospice care, transportation, housing, legal assistance, benefits education and assistance, treatment education and adherence, nutrition therapy, and mental health and substance abuse counseling; and

Whereas, Under federal law, the Ryan White CARE Act is designated as the provider of last resort; therefore, it is recognized as a critical safety net program for low-income, uninsured, or underinsured individuals; and

Whereas, The federal budget for the 2000 fiscal year contains increased funding for the Ryan White CARE Act, a significant portion of which is dedicated to California; and

Whereas, Title I of the Ryan White CARE Act currently provides emergency assistance to the 51 United States metropolitan areas most heavily impacted by the AIDS epidemic, of which nine are in California, the most in the United States; and

Whereas, The Ryan White CARE Act has enabled local communities receiving Title I funding to tailor the delivery of services that best meet the needs of their residents who are affected by HIV/AIDS; and

Whereas, California receives funding under Title II of the Ryan White CARE Act for care and treatment and social services, a significant portion of which pays for life-extending and life-saving pharmaceuticals under California's AIDS Drug Assistance Program (ADAP); and

Whereas, Title III of the Ryan White CARE Act provides funding to public and private nonprofit entities for outpatient early intervention and primary care services; and

Whereas, Title IV of the Ryan White CARE Act has focused on women, children, youth, and families, and has increased access to medical care and support services for persons under 25 years of age living with HIV or AIDS; and

Whereas, The Ryan White CARE Act Dental Reimbursement Program (Title VI) reimburses eligible dental schools and postdoctoral dental education programs for the reported, uncompensated costs of oral health care to people living with HIV; and

Whereas, The goal of the Ryan White CARE Act Special Projects of National Significance (SPNS) Program (Title VI) is to advance knowledge about the care and treatment of persons living with HIV/AIDS by providing time-limited grants to assess models for delivering health and support services, and SPNS projects have supported the development of innovative service models for HIV care to provide health and social services to communities of color and hard-to-reach populations in California; and

Whereas, A network of 14 regional AIDS Education and Training Centers (AETCs), along with local performance sites, were funded under Title VI of the Ryan White CARE Act; and

Whereas, These AETCs train clinical health care providers, provide consultation and technical assistance, and disseminate ever-changing information to health care professionals on the effective management of HIV infection; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legis-

lature affirms its support of the Ryan White CARE Act, and urges the Congress and the President of the United States to expeditiously reauthorize the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act in order to ensure that the expanding medical care and support service needs of individuals living with HIV disease are met; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority and Minority Leaders, the Speaker of the House of Representatives and the House Minority Leader, the Chairpersons and ranking minority members of the Senate Health, Education, Labor and Pensions, Appropriations, and Budget Committees, to the Chairpersons and ranking minority members of the House Commerce, Appropriations, and Budget Committees, and to each Senator and Representative from California in the Congress of the United States.

POM-586. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to an autism working group; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION No. 74

Whereas, autism results in severe problems in communication, social interaction, and impulse control disorders, including repetitive and sometimes bizarre actions and interests; and

Whereas, according to estimates from the National Institute of Mental Health, autism affects as many as two in every one thousand Americans; and

Whereas, families are often devastated by the effects of dealing with children with autism; and

Whereas, according to information from the National Institute of Mental Health, lack of a common diagnostic scheme from autism, which is critical for comparing research data, has posed a major challenge to science; and

Whereas, current research on autism is inconclusive as to its causes and treatment, and there is no biological test to confirm its diagnosis; and

Whereas, at the present time, there is no specific biological marker for autism and no cure; and

Whereas, the cost of health and educational services to those affected by autism exceeds three billion dollars per year, according to estimates from the National Institute of Mental Health; and

Whereas, the National Institutes of Health has as its mission health research to promote the general welfare of the citizens of the United States. Therefore, be it

*Resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to take such actions as are necessary to commission the National Institutes of Health to assemble an autism working group to update its 1997 research report on the causes, diagnosis, and treatment of autism. Be it further

*Resolved,* That such working group shall be composed of distinguished scientists for the purpose of assessing the state of science in autism and related areas by assembling the disciplines, expertise, and subject populations needed to address scientific questions beyond the resources of a single investigator or research team. Be it further

*Resolved,* That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of

the Congress of the United States of America, each member of the Louisiana congressional delegation, the directors of the National Institutes of health, the National Institute of Child Health and Human Development, the National Institute on Deafness and other Communication Disorders, the National Institute of Mental Health, and the National Institute of Neurological Disorders and Stroke.

POM-587. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to high quality health care; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION No. 81

Whereas, an immediate health care crisis exists in the United States and in the state of Louisiana; and

Whereas, citizens of our state and nation are sometimes denied access to necessary health care services due to the financial practices of health maintenance organizations and other managed care entities, the utilization of managed care by health insurers, and the lack of adequate medical facilities in many communities nationwide; and

Whereas, the guiding principles of United States health care policy, as provided in the Hill-Burton Act, 42 U.S.C. 291 et seq., have been steadily undermined by the concept of managed health care; and

Whereas, a primary purpose of the Hill-Burton Act is to assist states in "furnishing adequate hospital, clinic, or similar services to all their people" by tying certain federal funding to commitments by health care facilities "to make available a reasonable volume of services to persons unable to pay therefor"; and

Whereas, the state of Louisiana, as a result of its climate and geographical location, is not only a crossroads for international trade and commerce but also subject to a range of threats to the public health, as indicated by Louisiana being placed on the "watch list" for dengue fever, which potentially compound the already existing public health crisis; and

Whereas, the current health care delivery system in Louisiana, including the Department of Health and Hospitals and the state's charity hospital system, is currently unable to fulfill the full health care needs of all of this state's residents; and

Whereas, under the preamble to the Constitution of the United States, the federal government is required to "promote the general welfare", which thus necessitates action by the federal government to address the current health care crisis; and

Whereas, the United States is rightfully a signatory to international declarations and covenants, including the Universal Declaration of Human Rights of the United Nations, which establish the universal right to adequate health care and require governments to take steps to assure access to quality medical health care. Therefore be it

*Resolved,* That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high quality health care. Be it further

*Resolved,* That a copy of this Resolution be transmitted to the presiding officers of the Senate and the house of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-588. A concurrent resolution adopted by the Legislature of the State of New

Hampshire relative to integration of people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION 24

Whereas, thousands of people with disabilities live in New Hampshire; and

Whereas, the overwhelming majority of people with disabilities want the right to choose where they live and to receive support services; and

Whereas, the overwhelming majority of people with disabilities want to live and receive support services in home and community settings; and

Whereas, many people with disabilities are on waiting lists for home and community services; and

Whereas, the Americans with Disabilities Act (ADA) was passed as a civil rights act to protect the rights of people with disabilities; and

Whereas, the ADA's "integration" mandate requires that a public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities; now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring,* That the State of New Hampshire supports the integration requirement of the Americans with Disabilities Act; and

That the governor and mayors remove themselves from any filing of any future lawsuit by the National Governors' Association or National League of Cities that opposes the integration requirement in the Americans with Disabilities Act; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to the members of the New Hampshire congressional delegation.

POM-589. A resolution adopted by the General Assembly of the State of New Jersey relative to private long-term care insurance programs; to the Committee on Health, Education, Labor, and Pensions.

#### ASSEMBLY RESOLUTION NO. 72

Whereas, A private long-term care insurance market has begun to develop in New Jersey, although it is still very limited, as it is nationwide, because of the high cost of purchasing such coverage; and

Whereas, The issue of private long-term care insurance has begun to receive increasing attention among both federal and state policymakers, as reflected by the federal "Health Insurance Portability and Accountability Act of 1996," Pub.L. 104-191, which extended the federal income tax deduction allowed for the payment of standard health insurance plan premiums and medical expenses to the payment of premiums for federally qualified long-term care insurance plans, and also required these plans to satisfy certain consumer protection provisions endorsed by the National Association of Insurance Commissioners with respect to disclosure, nonforfeiture, guaranteed renewal and noncancellability; and

Whereas, Widespread interest has been reported in the asset protection feature of the New York State Partnership for Long-Term Care, which is designed to assist residents of that state in planning for the cost of long-term care and is funded in part by a grant from the Robert Wood Johnson Foundation; and

Whereas, The unique features of the New York State Partnership program are that, if a person exhausts his benefits under an approved long-term care insurance policy, the person can apply for Medicaid without regard to the type or amount of assets the person may have; and, unlike the regular Medicaid program which imposes limits on the amount of assets an eligible person may have in order to qualify for benefits and seeks recovery from a person's estate for the cost of benefits received, the Partnership program sets no such limits and does not require the person's estate to repay the Medicaid program benefits received for and;

Whereas, The New York State Partnership program and similar partnerships in California and Connecticut were established prior to the federal "Omnibus Budget Reconciliation Act of 1993," Pub.L. 103-66, known as OBRA '93 which requires that all states pursue liens and recoveries from the estates of Medicaid recipients who received long-term care services; and

Whereas, The effect of OBRA '93 was to nullify the asset protection feature of the partnership program for other states such as New Jersey that might wish to replicate these programs, since the programs established prior to OBRA '93 were permitted to continue as developed but additional states could not offer the asset protection incentive; and

Whereas; The establishment by additional states of private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care could stimulate the development of an expanded private long-term care insurance market which would relieve the financial pressures on the Medicaid program associated with funding long-term care, while also assisting many of those elderly and disabled persons who deplete their life savings paying for long-term care in order to qualify for Medicaid coverage of their long-term care costs; and, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. This House respectfully memorialized the Congress and President of the United States to enact statutory provisions which would permit additional states to establish private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care, in order to stimulate the development of an expanded private long-term care insurance market nationwide.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the United States Secretary of Health and Human Services, the presiding officers of the United States Senate and House of Representatives, and each of the members of the United States Congress elected from the State of New Jersey.

POM-590. A joint resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to the Occupational Safety and Health Administration's proposed ergonomic standards; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION NO. 610

Whereas, Tennessee has enacted a comprehensive workers' compensation system with incentives to employers to maintain a safe workplace, to work with employees to prevent workplace injuries, and to compensate employees for injuries that occur; and

Whereas, Section 4(b)(4) of the Federal Occupational Safety and Health Act, 29 U.S.C. §653(b)(4), provides that "Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment."; and

Whereas, The Occupational Safety and Health Administration ("OSHA"), notwithstanding this statutory restriction and the constitutional, traditional and historical role of the states in providing compensation for injuries in the workplace, has nevertheless published a proposed rule that, if adopted, would substantially displace the role of the states in compensating workers for musculoskeletal injuries in the workplace and would impose far-reaching requirements for implementation of ergonomics programs; and

Whereas, The proposed rule creates in effect a special class of workers' compensation benefits for ergonomic injuries, requiring payment of up to six months of wages at ninety percent (90%) of take-home pay and one hundred percent (100%) of benefits for absence from work; and

Whereas, The proposed rule would allow employees to bypass the system of medical treatment provided by Tennessee law for workers' compensation injuries and to seek diagnosis and treatment from any licensed health care provider paid by the employer; and

Whereas, The proposed rule would require employees to treat ergonomic cases as both workers' compensation cases and OSHA cases and to pay for medical treatment under both; and

Whereas, The proposed rule could force all manufacturers to alter workstations, redesign facilities or change tools and equipment, all triggered by the report of a single injury; and

Whereas, The proposed rule would require all American businesses to become full-time experts in ergonomics, a field for which there is little if any credible evidence and as to which there is an ongoing scientific debate; and

Whereas, The proposed rule would cause hardship on businesses and manufacturers with costs of compliance as high as eighteen billion dollars (\$18,000,000,000) annually, without guaranteeing the prevention of a single injury; and

Whereas, The proposed rule may force businesses to make changes that would impair efficiency in distribution centers; and

Whereas, This proposed rule is premature until the science exists to understand the root cause of musculoskeletal disorders, OSHA should not rush to make rules that are likely to result in a loss of jobs without consensus in the scientific and medical communities as to what causes repetitive-stress injuries, and medical researchers must answer fundamental questions surrounding ergonomics before government regulators impose a one-size-fits-all solution; now, therefore, be it

*Resolved by the Senate of the One Hundred First General Assembly of the State of Tennessee, the House of Representatives Concurring,* That this General Assembly hereby memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect. Be it further



*Resolved*, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of the Tennessee Congressional delegation.

POM-591. A joint resolution adopted by the General Assembly of the State of Virginia relative to federal medical and long-term care benefits; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE JOINT RESOLUTION No. 168

Whereas, throughout our nation's history, older generations of Americans have contributed greatly to the prosperity of the United States; and

Whereas, older Americans have always recognized the value of the economic freedoms that our forefathers fought to ensure; and

Whereas, older Americans have always been leaders in the realms of business and industry, serving as mentors and teachers to ensure that younger generations would have the knowledge and skills to carry on; and

Whereas, throughout their toil and enduring commitment to the principles of freedom, older Americans have laid the foundation for the economic prosperity and financial security of all Americans; and

Whereas, during the early years of the twentieth century, the current generation of older Americans worked hard to ensure that their families and communities could continue to enjoy this financial security for generations to come; and

Whereas, they endured the struggle of the Great Depression, undergoing countless hardships as they rebuilt this nation by the sweat of their brows both economically and spiritually; and

Whereas, they fought in wars to preserve the liberties that have enabled our nation to earn its place as the economic leader in the world; and

Whereas, throughout those hardships, the current generation of older Americans learned to appreciate the importance of preserving assets, including homes, land, durable goods, and "nest eggs," they had managed to hold onto despite the economic challenges they had faced; and

Whereas, today these personal assets help them maintain the dignity, independence, and health they so cherish as Americans; and

Whereas, with nursing home care now costing an average of \$40,000 to \$50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings; and

Whereas, steps need to be taken into inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need of families to plan for their long-term care; and

Whereas, the federal laws governing the rules of qualification for federal medical and long-term care benefits force many older Americans to liquidate their assets, including their homes and life savings; and

Whereas, these confiscatory policies impose unjust and inequitable burdens on older Americans, who have contributed so much to our economic security; and

Whereas, widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on the federal government to provide medical and long-term care benefits; now, therefore, be it

*Resolved by the House of Delegates, the Senate concurring*, That the Congress of the

United States be urged to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; and, be it

*Resolved further*, That the Congress of the United States be urged to ensure that persons who purchase long-term insurance policies will be able to protect their assets equal in value to the policy purchased; and, be it

*Resolved finally*, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-592. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to gasoline prices; to the Committee on Energy and Natural Resources.

POM-593. A joint resolution adopted by the General Assembly of the State of Colorado relative to the Old Spanish Trail; to the Committee on Energy and Natural Resources.

#### SENATE JOINT MEMORIAL 00-002

Whereas, The Old Spanish Trail, which ran between Santa Fe, New Mexico, and Los Angeles, California, was the first trail into Utah and is still the least known; and

Whereas, Frontiersmen and traders en route from Santa Fe to Los Angeles blazed a circuitous route to the north through Utah; and

Whereas, Between 1839 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, The Old Spanish Trail and the northern branch of the Old Spanish Trail proceeded through much of western Colorado and followed part of the route traveled by the Dominguez-Escalante Expedition of 1776; and

Whereas, In 1853, Captain John Williams Gunnison of the U.S. Corps of Topographic Engineers was commissioned by the war department to find a route for a railroad through the Colorado Rockies along the 38th parallel; and

Whereas, During his expedition, Captain Gunnison came upon the northern branch of the Old Spanish Trail in the San Luis Valley, which he followed into eastern Utah; and

Whereas, The federal government's Salt Lake Wagon Road followed portions of the Old Spanish Trail at the northern branch to bring supplies to the Los Pinos Indian Agency in the Uncompahgre Valley and the budding mining camp of Ouray, Colorado, in the late 1870's; and

Whereas, The Old Spanish Trail and its northern branch was instrumental in the creation and establishment of many of western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, White-water, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, Very little information is recorded about the northern branch and much more can be learned about the Old Spanish Trail; and

Whereas, Beginning with the northern branch of the Old Spanish Trail in the 1830's and 1840's, followed by the Gunnison Expedition of 1853 and the Salt Lake Wagon Road of the late 1870's, the Grand Valley of western Colorado has been the site of an historic route for travelers; now, therefore, be it

*Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein*:

That the Congress of the United States is hereby memorialized to adopt legislation that dedicates the Old Spanish Trail and the northern branch of the Old Spanish Trail as an historic trail. Be it further

*Resolved*, That copies of this Joint Memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Colorado congressional delegation.

POM-594. A resolution adopted by the Legislature of the Commonwealth of Guam relative to Guam Memorial Hospital; to the Committee on Energy and Natural Resources.

#### RESOLUTION No. 308

Whereas, Guam's economy has been in a prolonged recession for several years as a result of the Asian economic crisis and a reduction of military spending on Guam, resulting in drastically reduced government revenues; and

Whereas, large numbers of medically indigent individuals have been receiving free health care at the Guam Memorial Hospital, which the Hospital cannot afford to provide; and

Whereas, for humanitarian reasons the Guam Memorial Hospital is in need of assistance from the United States Federal Government in providing health care services to those medically indigent individuals who are on Guam as a result of Federal legislation; now therefore, be it

*Resolved*, That I MináBente Singko Na Liheslaturan Guåhan ("the Twenty-Fifth Guam Legislature") does hereby, on behalf of the people of Guam, respectfully request assistance from President William Jefferson Clinton, the United States Congress, and the United States Surgeon General in taking one (1) of the following actions:

(1) establishing a small National Public Health Service Hospital on Guam for the purpose of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law;

(2) providing to the Guam Memorial Hospital additional doctors and nurses through the National Public Health Service for the purpose of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law; or

(3) appropriating Four Million Dollars (\$4,000,000) annually to the Guam Memorial Hospital to defray the costs of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law; and be it further

*Resolved*, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States; to the Honorable Albert Gore, Jr., President of the U.S. Senate; to the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the Honorable Donna E. Shalala, U.S. Secretary of Health and Human Services; to the Honorable David Satcher, U.S. Surgeon General; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T. C. Gutierrez, I Magáláhen Guåhan ("the Governor of Guam").

POM-595. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Outer Continental Shelf; to

the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, the government of the United States receives revenues from rent, royalties, net profit share payments, and related late payment penalties from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act; and

Whereas, these leases are for tracts or portions of tracts lying seaward of the zone defined and governed by Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which Section 8(g) does not apply, the geographic center of which lies within a distance of two hundred miles from any part of the coastline of Louisiana as defined by Section 304(4) of the Coastal Zone Management Act of 1972 (U.S.C. 1453(4)); and

Whereas, there are over four thousand five hundred offshore oil and gas rigs and platforms off the coast of Louisiana and on the Outer Continental Shelf (OCS), with such structures representing over ninety-five percent of all offshore structures in the world; and

Whereas, these offshore structures support and impact an abundant commercial and recreational fishery along an intricate coastline which is in excess of seven thousand miles long; and

Whereas, the enforcement division of the Louisiana Department of Wildlife and Fisheries is charged with the responsibility for the enforcement and regulation of Louisiana's marine fishing industry which, with recreational fishing and commercial fishing activities combined, constitutes an industry with a total economic impact on the state of \$3.6 billion annually through landings of over one billion pounds and direct employment of over forty thousand people; and

Whereas, a well-regulated, well-managed, and well-monitored Outer Continental Shelf region and a well-regulated, well-managed, and well-monitored coastline of Louisiana are of benefit to the uninterrupted operation and maintenance of the oil and gas industry in the Gulf of Mexico; and

Whereas, a continuing dependable source of funds for the operation of the enforcement division of the Louisiana Department of Wildlife and Fisheries would ensure the continuation of efforts to secure the Outer Continental Shelf region of the Gulf of Mexico and the coastline of Louisiana for both the oil and gas industry and the fishing industry; therefore be it

*Resolved*, That the U.S. Congress and the Louisiana congressional delegation are hereby memorialized to provide funding from revenues received from oil and gas activity on the Outer Continental Shelf (OCS) to the Louisiana Department of Wildlife and Fisheries for state enforcement of the wildlife and fisheries laws; be it further

*Resolved*, That a copy of this Resolution be forwarded to the presiding officers of the U.S. Senate and the U.S. House of Representatives and each member of the Louisiana congressional delegation.

POM-596. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the increase in gasoline prices; to the Committee on Energy and Natural Resources.

#### SENATE RESOLUTION NO. 189

Whereas, the United States Environmental Protection Agency and the United States Department of Energy report that there are adequate gasoline supplies to keep prices in

check. Further, 87 percent of the service stations in Michigan recently surveyed by the American Automobile Association report that they expect to have adequate gasoline supplies this summer; and

Whereas, Profits of the world's largest oil-producing companies tripled in the first three months of the year. Financial analysts predict that the companies will earn more revenue this year than ever before; and

Whereas, In the biggest weekly jump since 1973, when such statistics were first recorded, gasoline prices have soared in June. As of June 13, 2000, the statewide average cost per gallon was \$2.01, a 27-cent per gallon increase since the previous week. That was 87-cents per gallon higher than the same time last year. In Metro Detroit, as of the same date, the average cost per gallon was \$2.04, which was 40-cents higher than the previous week and 92-cents per gallon more than the same time last year; now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to investigate the rapid increase in gasoline prices and to take immediate action; and be it further

*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-597. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to investigating the factors responsible for reduced gasoline supplies; to the Committee on Energy and Natural Resources.

#### SENATE RESOLUTION NO. 191

Whereas, The recent surge in gasoline prices nationwide has shocked consumers. The federal government has struggled to find remedies for this new and unexpected burden. Matters relating to the federal role in regulating commerce, new foreign demand for oil as overseas economies recover from economic crises, and the decision by oil producing nations to reduce output have contributed to this situation. Even the federal government will face limits on what it can do to influence global circumstances; and

Whereas, Although the rise in gasoline prices is a national problem, gasoline prices in Michigan are amongst the highest in the nation. As families here and around the country plan their vacations, the cost of gasoline may well harm Michigan's tourism industry as people seek locales closer to home. The state's automobile industry is bound to suffer if unreasonably high gasoline prices persist as will the agricultural sector. Michigan consumers have been economically overwhelmed by the near-doubling of the retail price of a gallon of gasoline within the last year. For those living paycheck to paycheck, purchasing fuel just to make it to work is difficult; and

Whereas, Despite the global factors that have contributed to the tremendous increase in gasoline prices, a number of measures at the national level may provide some relief until global circumstances become more favorable. Identifying why gasoline stockpiles were allowed to fall so low, examining the impact of new regulations requiring cleaner-burning fuel, and exploring ways of using the Strategic Petroleum Reserve are issues that Congress should explore; now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to investigate the factors responsible for reduced

gasoline supplies and the recent increases in retail gasoline prices; and be it further

*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-598. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to initiating a study to determine the cause of the recent gasoline price surge; to the Committee on Energy and Natural Resources.

#### SENATE RESOLUTION NO. 192

Whereas, Gasoline prices have doubled in recent months from their levels of 1999. The prices in Michigan and other areas of the Midwest surpass the national increases by wide margins. Consumers have been shocked and their lives disrupted by this tremendous increase. Motor vehicles are part of the fabric of our culture and economy and any disruptions in our ability to keep the wheels rolling are cause for deep concern; and

Whereas, No single event has prompted our present situation. Instead, separate events and decisions occurring in our own backyard and around the globe have combined to drive prices to levels that are unacceptable if we are to maintain a strong and vibrant economy. The causes are murky, and the measures needed to reduce prices and prevent rapid price surges are not clear. We have repaired a pipeline and restored the flow of gasoline in Michigan, but how do we address the cause of a shortage of fuel for Michigan gas stations?; and

Whereas, It is reported that major oil companies have an abundant supply of gasoline while independent dealers are being cut off from adequate supplies. Only when all dealers have normal access to gasoline supplies will competition be reintroduced and will no single wholesaler monopolize supply and pricing. The United States Congress, as the chosen representatives of the American people, must step forward to investigate this issue in order to prevent another price surge. Without a complete grasp of the complex factors involved, we will be unable to cope with similar problems in the future and will instead simply place our trust in fate and the good will of others; now, therefore, be it

*Resolved by the Senate*, That we memorialize the United States Congress to initiate a study to determine the causes of the recent gasoline price surge; and be it further

*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2705: A bill to provide for the training of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes (Rept. No. 106-348).

By Mr. DOMENICI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4733: A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Report No. 106-346).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Government Performance and Results Act of 1993" (Report No. 106-347).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT:

S. 2883. A bill to suspend temporarily the duty on piano plates; to the Committee on Finance.

By Mr. GRAMS:

S. 2884. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 2885. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself and Mr. SCHUMER):

S. 2886. A bill to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes; read the first time.

By Mr. GRASSLEY (for himself, Mr. ROBB, Ms. COLLINS, and Mr. DASCHLE):

S. 2887. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr.

FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 338. A resolution relative to the death of the Honorable Paul Coverdell, a Senator from the State of Georgia.; considered and agreed to.

By Mr. ROTH:

S. Con. Res. 131. A concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT:

S. 2883. A bill to suspend temporarily the duty on piano plates; to the Committee on Finance.

### TEMPORARY SUSPENSION OF DUTY ON PIANO PLATES

Mr. LOTT. Mr. President, I rise today to introduce legislation temporarily suspending duties on imports of certain piano plates. This legislation is needed to address a difficult situation facing the domestic piano industry.

A piano plate is an essential part of a piano. It is the iron casting over which the strings are stretched and tuned by pins inserted in the plate. Baldwin Piano & Organ Company, which employs more than 600 workers in the production of pianos in Arkansas and Mississippi, is one of a diminishing number of piano producers in the United States. Piano plates are produced in the United States by a single company, a competitor of Baldwin, whose production is for the most part captively consumed. As such, Baldwin lacks a domestic source for piano plates, other than the surplus production of one of its competitors. Due to its own demand for plates, Baldwin's competitor cannot meet Baldwin's requirements.

Mr. President the history and recent contraction in the domestic piano in-

dustry points to the critical need for this legislation. Indeed, were the production of Baldwin or other domestic producers to be curtailed due to the insufficient availability of domestically-produced piano plates, it is likely that this would engender an increase in foreign piano supply, rather than an increase in market share of other domestic producers. This is evident from the fact that, in the early 1980s, there were 15 domestic piano producers supplying approximately 80 percent of U.S. consumption, whereas now only nine domestic producers remain—servicing approximately half, if not less, of the U.S. market. The domestic piano industry is well aware that foreign production stands ready to fill any gap in domestic supply.

The legislation I am introducing today would temporarily suspend, through the year 2004, the rate of duty applicable to imports of piano plates provided for in subheading 9209.91.80 of the Harmonized Tariff Schedule of the United States. Currently, the applicable rate of duty is 4.2 percent ad valorem. If the legislation is approved, the reduction in duty collection is estimated to be between \$300,000 and \$400,000 per year through 2004.

Given the situation currently facing domestic piano producers, it is unlikely that there will be objection from other domestic manufacturers to the legislation proposed today. In view of the fact that Baldwin must resort to imported plates regardless of the duty rate applicable to such imports, and that no appreciable domestic production of piano plates will be displaced by imports, suspension of the duty rate will have no adverse affect upon the domestic industry. This legislation stands to ensure only that a U.S. piano producer will find a reliable source of supply for a critical component and thus will be better positioned to stand with other domestic producers in providing a secure and stable supply of pianos for the domestic market.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2883

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. PIANO PLATES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new item:

9902.92.09 .....	Piano plates (provided for in subheading 9209.91.80)	Free .....	No change .....	No change .....	On or before 12/31/2004 .....	..
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(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. GRAMS:

S. 2884. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

#### SMALL ETHANOL PRODUCER CREDIT

Mr. GRAMS. Mr. President, I rise today to introduce legislation to allow farmer-owned cooperatives access to the small ethanol producer tax credit. Mr. President, current law provides for an income tax credit of 10 cents per gallon for up to 15 million gallons of annual ethanol production by a small ethanol producer. A small ethanol producer is one defined as having a production capacity of less than 30 million gallons per year. The credit was enacted as part of the Omnibus Budget Reconciliation Act of 1990 and championed by our former colleague, Senator Bob Dole. Unfortunately, the credit was enacted at a time when the growth and shape of the ethanol industry was still difficult to predict.

This situation has led to an unfortunate situation in Minnesota, Iowa, and in other areas where farmer-owned cooperatives have been unable to access the credit due to the way in which the original legislation was drafted. The original legislation certainly envisioned these small, farmer-owned cooperatives as being eligible for the tax credit, but the intricacies of the tax code have made it impossible for them to do so.

Mr. President, there are currently 22 cooperative ethanol plants in the United States. Twelve of them are located in Minnesota. Eleven of these Minnesota cooperatives involve over 5,000 farmers and their families. Minnesota cooperatives are able to produce roughly 189 million gallons of ethanol per year.

My legislation would simply provide a technical correction to ensure farmer-owned cooperatives are included in the definition of who can benefit from the small ethanol producer tax credit. My bill also expands the definition to include facilities with less than 60 million gallons in annual capacity.

I want to again stress that this proposal is consistent with the original intent of the 1990 law that created the small ethanol producer tax credit. Farmer-owned cooperatives were never intended to be excluded from receiving the benefits of the tax credit if they produce less than 30 million gallons. It was just hard to envision the role and growth of cooperatives when we passed the 1990 law. Cooperatives are not huge corporate ventures, but associations of small farmers.

Mr. President, the ethanol industry in Minnesota and across the country is

one we should promote. Ethanol is a crucial product for rural America, for our nation as a whole, and especially for Minnesota. I'd like to point out just a few of ethanol's impressive benefits—environmentally and economically. According to the Minnesota Corn Growers, ethanol production boosts nationwide employment by over 195,000 jobs. Ethanol improves our trade balance by \$2 billion and adds \$450 million to state tax receipts. It reduces emissions from gasoline use and therefore helps us clean up the environment.

According to the American Coalition for Ethanol, more than \$3 billion has been invested in 43 ethanol facilities in 20 states. Those investments have directly created 40,000 jobs and more than \$12.6 billion in increased income over the next five years.

Minnesota is now home to over a dozen operating ethanol plants with a capacity of over 200 million gallons annually. These plants mean new jobs with good wages and good benefits for people living in rural areas where these plants are built. According to a report by the Minnesota Legislative Auditor, those plants, and the resulting economic activity, are expected to create as many as 5,000 new, high-wage jobs—including jobs in production, construction, and support industries.

In addition to its positive economic impact, ethanol production allows our nation to move away from our dependence on foreign energy sources. The United States Department of Agriculture estimates that for every gallon of ethanol produced domestically, we displace seven gallons of imported oil. Ethanol plays a role in increasing our national energy security by providing a stable, homegrown, renewable energy supply. Ethanol is estimated to reduce our demand for foreign oil by 98,000 barrels per day.

Those are just some of the reasons why I urge my colleagues to join me in allowing small, farmer-owned cooperatives to enjoy the full benefits of the small ethanol producer tax credit.

I want to thank Senator CHARLES GRASSLEY of Iowa for working with me on this important legislation. As everyone knows, Senator GRASSLEY has been a steadfast leader of efforts to promote tax relief for farmers and rural Americans. I'm proud to be working with him on this legislation.

I ask that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2884

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SMALL ETHANOL PRODUCER CREDIT.

(a) **ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.**—Section 40(g) Internal Revenue Code of 1986 (relating to definitions and special rules for eligible

small ethanol producer credit) is amended by adding at the end the following:

“(6) **ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.**—

“(A) **ELECTION TO ALLOCATE.**—

“(i) **IN GENERAL.**—Notwithstanding paragraph (4), in the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

“(ii) **FORM AND EFFECT OF ELECTION.**—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

“(iii) **SPECIAL RULE FOR 1998 AND 1999.**—Notwithstanding clause (ii), an election for any taxable year ending prior to the date of the enactment of this paragraph may be made at any time before the expiration of the 3-year period beginning on the last date prescribed by law for filing the return of the taxpayer for such taxable year (determined without regard to extensions) by filing an amended return for such year.

“(B) **TREATMENT OF ORGANIZATIONS AND PATRONS.**—The amount of the credit apportioned to patrons under subparagraph (A)—

“(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

“(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

“(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

“(C) **SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.**—If the amount of the credit of a cooperative organization (as so defined) determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

“(i) such reduction, over

“(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.”.

(b) **DEFINITION OF SMALL ETHANOL PRODUCER; IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.**—

(1) **DEFINITION OF SMALL ETHANOL PRODUCER.**—Section 40(g)(1) of the Internal Revenue Code of 1986 (relating to eligible small ethanol producer) is amended by striking “30,000,000” and inserting “60,000,000”.

(2) **SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.**—Clause (i) of section 469(d)(2)(A) of such Code (relating to passive activity credit) is amended by striking “subpart D” and inserting “subpart D, other than section 40(a)(3).”.

(3) **ALLOWING CREDIT AGAINST MINIMUM TAX.**—

(A) **IN GENERAL.**—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following:

“(3) SPECIAL RULES FOR SMALL ETHANOL PRODUCER CREDIT.—

“(A) IN GENERAL.—In the case of the small ethanol producer credit—

“(i) this section and section 39 shall be applied separately with respect to the credit, and

“(ii) in applying paragraph (1) to the credit—

“(I) subparagraphs (A) and (B) thereof shall not apply, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

“(B) SMALL ETHANOL PRODUCER CREDIT.—For purposes of this subsection, the term ‘small ethanol producer credit’ means the credit allowable under subsection (a) by reason of section 40(a)(3).”

(B) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting “or the small ethanol producer credit” after “employment credit”.

(4) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of such Code (relating to income inclusion of alcohol fuel credit is amended to read as follows:

**“SEC. 87. ALCOHOL FUEL CREDIT.**

“Gross income includes an amount equal to the sum of—

“(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

“(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).”

(c) CONFORMING AMENDMENT.—Section 1388 of the Internal Revenue Code of 1986 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following:

“(k) CROSS REFERENCE.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d) (6).”

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1997.

(2) CERTAIN PROVISIONS.—The amendments made by paragraphs (1) and (4) of subsection (b) shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. WARNER (for himself and Mr. ROBB):

S. 2885. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE JAMESTOWN 400TH COMMEMORATION COMMISSION ACT

Mr. WARNER. Mr. President, today I introduce legislation to establish a federal commission to join the Commonwealth of Virginia in preparing for the 400th anniversary of the founding of the Jamestown settlement, the first permanent English settlement in the United States.

In a little more than six years, America will observe one of its most important anniversaries with the celebration of the Jamestown quadricentennial. On May 13, 1607, nearly five months after

setting sail from London, a group of 104 English men and boys selected a site on the banks of Virginia's James River as their new home. Settling Jamestown was a momentous event in American history.

While the Spanish founded St. Augustine in Florida in the 1560's and the English attempted to colonize Roanoke Island in North Carolina in the 1580's, Jamestown was America's first successful, permanent European settlement. Jamestown is the birthplace of our nation, and is where representative government in the Americas began. The founding of Jamestown marks the beginning of what Alex de Toqueville described as the United States' “great experiment” in democracy.

The establishment of Jamestown remains a cornerstone event in American history because of the lasting traditions that the English brought with them, including the legacy of language and common law that have shaped our great republic for decades.

Celebrating the 400th Anniversary of Jamestown marks an important opportunity to remember and reflect on how our ancestors established Virginia; how they treated America's original inhabitants, the Indians, and how the slave trade was begun. While injustice is a major part of this historical legacy, it is also the legacy that marked the beginning of our rich cultural heritage that defines the United States today.

With the 2007 celebration we have a chance to properly remember a story—too often glossed over—of the “darker side of the Jamestown legacy” as one scholar has noted, “a legacy of slavery; of warfare and conquest; of the displacement and decimation of Native Americans; of damage to the natural environment.”

The history of Jamestown is rich, complex, tragic and inspirational. Certainly, an important part of Jamestown's history is the beginning of the distinct American spirit of exploration and adventure. The Jamestown adventure led directly to the formation of the great American principles of rule of law, religious and political freedom and the rights of man. The establishment of these pillars of American government was, again, unique in the history of man and government. The United States stands today as the world's longest lived, continuous democratic republic in existence today.

The Jamestown story is also the story of the beginning of truly global commerce. Not only was the establishment of Jamestown a commercial venture, it was a venture that coincided with an emerging worldwide capitalism. The landing was one of many efforts by primarily western European countries to go beyond a country's boundaries in search of commercially important natural resources.

The English came to Virginia looking for economic gain, but found personal

freedom. They quickly found that the British model of government was not well-suited to the challenges of the New World.

Americans have joined in celebrating Jamestown's founding with major events during the past two centuries, most recently in 1957. These occasions have been marked with parades to an eight-month international exposition.

The 2007 Jamestown celebration will allow us to learn from our past as we prepare for the future. It is a national event that deserves our national attention and commemoration. The commission will bring the many talents of noted historians and scholars together with the Commonwealth's plans to fully observe the Jamestown experiment and its lasting contributions to our society.

Mr. ROBB. Mr. President, I want to join my senior colleague today in introducing legislation that will establish a Federal commission to commemorate the founding of the English colony at Jamestown nearly 400 years ago. Jamestown, the first permanent English Colony in the new world, holds enormous significance for us as a nation. We are an English speaking nation and our laws are based on English law. The history of Jamestown is the earliest history of the United States, and our culture still reflects those beginnings.

Jamestown was the capitol of Virginia for 92 years and was the center of cultural activity for the new colony. The celebration of the 400th anniversary of the founding of Jamestown is important to Virginia, and the Nation. In order to ensure that the celebration be conducted in a way that all Americans can appreciate and share in the history of Jamestown, we propose to establish a federal commission that will assist in developing federal activities that will complement those programs and activities undertaken by the Commonwealth of Virginia.

Currently the Commonwealth of Virginia and the federal government, through the Department of Interior, work together at Jamestown to tell the story of the early colonial times. The commission will provide additional assistance, and coordination and will provide support for the scholarly research that is ongoing at the Jamestown site. The commission can help ensure that the celebration of our earliest history is accessible to a broad range of Americans, and not just those in the immediate vicinity of the original colony.

The authority for the Commission will terminate one year after the Jamestown celebration in 2007 and after completing a report on its activities. The report will not only tell the story of the Jamestown celebration, but will provide guideposts and information for national celebrations in the future. Having an end to the commission's work will ensure that the organization will not outlive its usefulness.

The planning for this wonderful celebration has already begun, and so I ask for quick consideration of this legislation so that we can move forward together.

By Mr. GRASSLEY (for himself, Mr. ROBB, Ms. COLLINS, and Mr. DASCHLE):

S. 2887. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

CIVIL RIGHTS TAX FAIRNESS ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today to introduce the Civil Rights Tax Fairness Act of 2000. I am being joined by Senator ROBB in this effort. Civil rights legislation has been in force throughout this country for nearly thirty years; its purpose being to provide real remedies to victims of discrimination.

The Civil Rights Tax Fairness Act restores certain remedies for victims of discrimination by eliminating taxes on emotional distress awards. This tax was incorporated into the Small Business Job Protection Act of 1996, making the taxation of awards received in discrimination cases involving back wages or non-physical injuries (including emotional distress) taxable. The result of the 1996 legislation was to discriminate against people involved in civil rights cases. People who received damage awards because of a bar-room brawl or slip-and-fall incident, often caused by simple negligence, get tax free awards. While, for similar types of psychological injuries caused by intentional discrimination the damages are taxed. The result of this taxation is that the attorneys and government make out better than the victims who had their rights violated.

A second part of The Civil Rights Tax Fairness Act changes the current law, which requires people who receive back pay awards in discrimination cases to be bumped up into a higher tax bracket. When back pay awards are received by a person in a case the IRS considers it taxable income to be taxed in the year it is received, even though the award received covers many years of lost wages. Currently no averaging of back pay awards is allowed, but The Civil Rights Tax Fairness Act attempts to address this problem. The act provides for income averaging of back pay awards, making it possible for the award to be taxed over the number of years it was meant to compensate.

The third area that The Civil Rights Fairness Act attempts to combat is the double taxation of attorneys' fees that takes place under current law. Presently individuals who receive awards end up having to include in that award their attorneys' fee. This fee can end

up being larger than the actual award received by the plaintiff. The current tax implications in the law require the plaintiff to pay taxes on their award and on the attorneys fees received by their lawyer.

One real life example recently brought to my attention involves an Iowa citizen named Don Lyons. Mr. Lyons, a man attempting to do the honorable thing by helping out a co-worker with filing a sex discrimination complaint against their employer, was unjustly retaliated against. After prevailing in court and receiving a \$15,000 remitted judgment, Mr. Lyons then had to deal with the present tax laws, which not only devoured his judgment, but required him to actually pay thousands of more dollars to the government in taxes.

First, Mr. Lyons had to pay taxes on the \$15,000 he received as punitive damages from his employer. After he pays his taxes he is left with \$9,533. However, when Mr. Lyons takes into account the taxes that he has to pay on the combination of his settlement and attorneys' fees, he ends up owing \$67,791 in taxes. When you subtract the \$9,533 Mr. Lyons had left from the initial judgment he ends up still owing the government \$58,236 in taxes. Mr. Lyons attorney, Ms. Victoria L. Herring, also has to pay taxes on the fee she received for taking Mr. Lyons case. Mr. Lyons ends up paying taxes on money that he never even received, making him a good example of why it is important to pass The Civil Rights Tax Fairness Act and end double taxation. Everyone should agree that this is a extreme example of unfair taxation.

Mr. Lyons helped out a co-worker, was attacked by his employer, and received damages in a court of law. People count on the legal system to protect them and when their civil rights are violated the system needs to function properly. It is disheartening to learn that, in actuality, Mr. Lyons is going to be taken to the cleaners by the government tax system, and as a result, he ends up owing \$58,236 to the government for the "privilege" of having won his retaliation case.

It seems to me that there is something fundamentally wrong with the law when it hurts the people it is supposed to protect. This being said, it is time to change the mistakes made in the past by passing the Civil Rights Tax Fairness Act 2000. This bill will go a long way toward helping out victims of discrimination by eliminating taxes on emotional distress awards, ending lump-sum taxation, and ending double taxation. The changing of the law will have positive effects on citizens like Mr. Lyons, allowing similar victims to keep more of their awards. At the same time, it will be beneficial for business, since they will be able to settle discrimination claims for lower settlements.

I ask unanimous consent to have printed in the record after my remarks the letter I received from Mr. Lyon's attorney, Victoria L. Herring. Ms. Herring does an outstanding job of quantifying and personalizing the importance of the Civil Rights Tax Fairness Act.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 30, 1999.

Re Tax implications of civil rights litigation.

Senator CHARLES GRASSLEY,  
U.S. Senate,  
Washington, DC.  
Senator TOM HARKIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS: I write you as an attorney of long-standing in Des Moines and an Iowa citizen who represents other Iowans in employment-related matters. I write to bring to your attention a problem that you should know of (as legislation is now pending to cure the problem, H.R. 1997), but perhaps the effect of the present status of the law escaped you.

As you know, for some thirty years civil rights legislation has been in force in this country; that includes Title VII, the ADA, the ADEA, and other types of such statutes. As a part of the legislative effort to provide remedies to victims of discrimination, Congress also passed an attorney fees provision that entitles a successful plaintiff to have his or her attorney fees and expenses compensated by the losing defendant, subject to the trial court's discretion. Certainly, this legislation had a salutary effect in ending some of the worst vestiges of discrimination and seeing that the litigators were paid for their efforts as "private attorneys general". The United States Supreme Court has endorsed this concept in numerous cases.

What I now bring to your attention is the fact that all of this legislation has been rendered meaningless and, indeed, punitive against plaintiffs and their attorneys, by the Congress's passage in 1996 of the Small Business Protection Act and the various tax laws enacted by Congress over the years. I have a real life example to bring to your attention, in the hope that you will see how unfair and offensive is the present state of the law. In fact, in light of the law as it is today, it is entirely possible that no attorney in his or her right mind would take any plaintiff's civil rights case, and that no person in his or her right mind would undertake to litigate civil rights discrimination no matter how much they were harmed by such actions.

First, it is my understanding that the tax laws now require the payment of taxes upon any and all sums obtained in litigation or settlement that are not clearly related to "personal physical injury". As most (if not all) civil rights and discrimination cases brought under Title VII, the ADA, etc., rarely involve "personal physical injury", most (if not all) jury verdicts, judge awards and/or settlements are entirely taxable to the victim of discrimination. Perhaps that was truly the intent of Congress in its 1996 passage of the amendment to Internal Revenue Code Section 104. If so, then victims of discrimination certainly do owe taxes on whatever they might receive by way of verdict, judgment or settlement, and should pay those taxes. Of course, that frequently prevents settlements from occurring or raises the cost of the settlements, but that might



also be within Congress's intent in passing the legislation. (That less than salutary effect of the 1996 amendment is one reason quite a variety of groups have supported the proposed bill, H.R. 1997, among them the U.S. Chamber of Commerce, NELA, the AARP, etc.) In any event, that is not the entire problem facing victims and litigators.

The most pernicious problem and one which causes me to write to you is the combined effect of the above legislation coupled with other laws of Congress, court cases and IRS regulations. The effect is to cause any and all lawyers who might wish to advocate for plaintiffs who have been harmed by discrimination to rethink whether, in fact, they wish to continue to do that work. And it places lawyers who do continue to advocate at loggerheads with their clients' interests.

The law is now clear that victims of discrimination owe tax payments on whatever settlement/judgment they might receive. And it is clear that their attorneys owe tax payments on whatever attorney fees and expenses they are awarded. However, the law is also quite clear that the victims of discrimination also owe taxes upon the amount of money their attorney is compensated for his/her efforts in obtaining the settlement/verdict. While in some situations it is possible to deduct those costs, given the Alternative Minimum Tax provisions and recent Tax Court cases, it is close to impossible to do so. Thus, victims of discrimination may well add up with an additional tax burden in excess of any sums of money actually obtained in the litigation to compensate them for their injuries. This must be contrary to the intent of Congress in passing civil rights legislation over the past thirty years, and the views of the Supreme Court in holding that attorney fees awards should be fully but reasonably compensatory to the attorneys, in order to facilitate attorneys in handling civil rights legislation.

I can provide you with a real-life example which impacts an Iowa citizen who successfully fought discrimination and retaliation and his attorney, the undersigned, who joined in that effort. Based on what we know now, both of us are quite sorry we ever entered into the effort to prevent discrimination and retaliation from occurring.

Don Lyons assisted a co-worker in filing a sex discrimination complaint against their employer. As a result, he and the co-worker were retaliated against. We brought suit on behalf of the co-worker for sex discrimination in employment in the Southern District of Iowa and made a claim for retaliation in violation of Title VII on behalf of both Don and his co-worker. The case was litigated in the court here, with the result that the sex discrimination case was resolved prior to trial. However, because no settlement of Don's claim was possible, his retaliation case went onto a jury trial before eight jurors from the southern District of Iowa.

We put on two days of evidence before the jury and Judge Wolle, with the result that Don was awarded \$1.00 in nominal damages (a recognition of his right to bring the claim) and \$150,000 in punitive damages. On post-trial motions, Judge Wolle upheld the jury's verdict on liability and held that there was sufficient evidence that "defendant had an evil motive and had intentionally violated federal law in retaliating against Lyons because he had assisted other pilots in protecting their civil rights." However, Judge Wolle remitted the punitive damage amount to \$15,000.00, because he thought that would be sufficient to punish the defendant. Pursuant to the attorney fee provision of the civil

rights law, I have petitioned the court for approximately \$170,000 in fees and expenses; that is based on my hourly rate of \$180.00 an hour (a rate much less than that of lawyers in other cities, and probably much less than the two defense lawyers from Chicago who tried the case). The fees and expenses amount may seem high, but is the result of a fair amount of contentiousness and the need to take depositions in Kansas and Arizona.

The problem for my client and for myself arises from the clear tax implications of this situation. My client would normally pay out of his \$15,000 in punitive damages the sum of \$5,467.00, and that would be fine for him.

However, if the court awards me a "fully compensatory" fee and expenses figure of \$150,000 (I am using that as an example, because we have run the figures on this sum), not only will I pay my taxes on this figure (gladly so), but my client will also and without the ability to deduct the sum due to the pernicious effect of the alternative minimum tax!

	Amount
Don's taxes of \$15,000 .....	\$5,467.00
Don's taxes on \$15,000 plus the attorney fee award of \$150,000 .....	67,791.00
Difference/Additional Taxes Owed by Don for the "privilege" of having won his retaliation case .....	58,236.00

In other words, because Don assisted someone to bring a claim of sex discrimination through appropriate channels and prevailed in his jury trial claim of retaliation, he will be forced by present tax laws to pay an additional amount of \$58,236.00, which is over two-thirds of his annual salary. And he will not have any additional money as a result of the remittance of the judgment to pay that additional tax. And because Don hired me to be his advocate and then prevailed before a jury of eight citizens, he is penalized with a severe tax penalty for having advocated civil rights. And I need not tell you that this result has severely strained what had been a cordial and positive working relationship between attorney and client.

This is a clear injustice and one that we cannot find any way of resolving, given the present state of the law. If we could, we would. We are, therefore, bringing this to your attention because it is a concern which only legislation can rectify. We believe that H.R. 1997 is the only means possible to rectify this problem and urge you to support it strongly and vocally as soon as Congress returns.

If you have need of further information, please let me know. Both Don and I would appreciate the opportunity to visit with you or your staff to discuss this problem and to shed light upon how this situation causes me to rethink my chosen profession and Don to rethink his willingness to assist people who are being discriminated against.

Very truly yours,

VICTORIA L. HERRING,  
*Attorney at Law.*

Mr. ROBB. Mr. President, I am pleased to introduce the Civil Rights Tax Fairness Act of 2000 with Senators GRASSLEY, DASCHLE and COLLINS. This important legislation will correct several imperfections in our Tax Code that unfairly tax the victims of civil rights violations at a time when they are most vulnerable. I'm pleased that it accomplishes this in a fashion that has bi-partisan Congressional support and has been endorsed by civil rights orga-

nizations as well as the business community.

The Civil Rights Tax Fairness Act contains several provisions. The first section excludes emotional distress awards received in discrimination cases from the gross income of the recipient. Due to a change in the Small Business Job Protection Act of 1996, damages received for emotional distress in civil rights cases are taxable, while those received in slip and fall accidents are not. There is no defensible reason for this disparity and it must be changed.

The bill would also allow employees who receive lump sum awards for back wages for civil rights violations by their employers to take advantage of income averaging. Currently, if an employee receives a large award it will generally push that person into a higher income bracket for that year due to the income spike from the damages. The result is that the victim may be taxed at a higher rate than they would if they had received the income as wages in the normal course of business. This is the wrong tax treatment and should be corrected.

Finally, this legislation ends the double taxation on attorney's fees that are awarded to a victim in a discrimination case. Mr. President, even though the attorney ultimately gets the fees, not the victim, present law not only taxes the attorney on the fees that they receive when they take them into income, but also requires that the victim include them in computing their gross income. Even though they are supposed to be able to take a corresponding deduction, due to limitations on miscellaneous deductions and the alternative minimum tax, in most cases the victims cannot get the entire amount. This is not fair and cannot be the intended effect.

I look forward to working with the senior Senator from Iowa in getting this bill signed into law. It is time to bring our Tax Code into the 21st Century. We must implement tax policies that help to eradicate discrimination.

#### ADDITIONAL COSPONSORS

S. 203

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 203, a bill to amend title XIX of the Social Security Act to provide for an equitable determination of the Federal medical assistance percentage.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement

of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

S. 1378

At the request of Mr. VOINOVICH, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Georgia (Mr. COVERDELL), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1378, a bill to amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

S. 1439

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1439, a bill to terminate production under the D5 submarine-launched ballistic missile program.

S. 1489

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1489, a bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 1796

At the request of Mr. MACK, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1902

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from North Da-

kota (Mr. DORGAN) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2456

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2456, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit to provide assistance to adoptive parents of special needs children, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2689

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2781

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S.J. RES. 48

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Indiana (Mr. BAYH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Utah (Mr. BENNETT), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nevada (Mr. BRYAN), the Senator from Vermont (Mr. LEAHY), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S.J. Res. 48, supra.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as "National Relatives as Parents Day."

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. HAGEL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

AMENDMENT NO. 3457

At the request of Mr. LEVIN, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3457 intended to be proposed to S. 2536, an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3798

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3798 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3847

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 3847 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3886

At the request of Mr. BOND, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nebraska (Mr. KERREY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 3886 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3887

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from

Colorado (Mr. CAMPBELL) were added as cosponsors of amendment No. 3887 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3888

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3888 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3899

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3899 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 131—COMMEMORATING THE 20TH ANNIVERSARY OF THE WORKERS' STRIKES IN POLAND THAT LED TO THE CREATION OF THE INDEPENDENT TRADE UNION SOLIDARNOSC, AND FOR OTHER PURPOSES

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarność, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarność and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarność issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December

1981 in an attempt to block the growing political and social influence of the Solidarność movement;

Whereas Solidarność remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February 1999, the communist government of Poland agreed to conduct roundtable talks with Solidarność that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarność;

Whereas, on August 19, 1999, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, 1999, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarność movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commemorates the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

#### SENATE RESOLUTION 338—RELATIVE TO THE DEATH OF THE HONORABLE PAUL COVERDELL, A SENATOR FROM THE STATE OF GEORGIA

Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr.

LUGAR, Mr. MACK, Mr. MCCAIN, Mr. McCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 338

Whereas the Honorable Paul Coverdell served Georgia in the United States Senate with devotion and distinction;

Whereas the Honorable Paul Coverdell served all the people of the United States as Director of the Peace Corps;

Whereas his efforts on behalf of Georgians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Coverdell a Senator from the State of Georgia.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

## AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001GRASSLEY (AND HARKIN)  
AMENDMENT NO. 3910

Mr. GORTON (for Mr. GRASSLEY for himself and Mr. HARKIN) proposed an amendment to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 163, after line 23, insert the following:

SEC. 1. MISSISSIPPI RIVER ISLAND NO. 228,  
IOWA, LAND EXCHANGE.

(a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the “Secretary”), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as “Dubuque”), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mis-

issippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 30 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO-4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

## GORTON AMENDMENT NO. 3911

Mr. GORTON proposed an amendment to the bill, H.R. 4578; supra; as follows:

On page 126, line 16, strike “\$207,079,000” and insert “\$208,579,000”.

## BOXER AMENDMENT NO. 3912

Mrs. BOXER proposed an amendment to the bill, H.R. 4578, supra; as follows:

At the end of the amendment, add the following:

“None of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children and pregnant women may be present.”

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

## BAUCUS AMENDMENTS NOS. 3913–3916

(Ordered to lie on the table.)

Mr. BAUCUS submitted four amendments intended to be proposed by him to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

## AMENDMENT NO. 3913

On page 14, line 23, strike “and”.

On page 15, lines 1 and 2, strike “in all, \$494,744,000.” and insert “and \$500,000 for the Montana Sheep Institute; in all, \$495,244,000, of which \$500,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds

available for administrative and related expenses.”.

## AMENDMENT NO. 3914

On page 14, line 23, strike “and”.

On page 15, lines 1 and 2, strike “in all, \$494,744,000.” and insert “and \$500,000 for a 1-year economic study on live cattle packer concentration at the University of Florida; in all, \$494,894,000, of which \$150,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses.”.

## AMENDMENT NO. 3915

On page 12, line 22, strike “expended (7 U.S.C. 2209b):” and insert “expended, of which \$2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses, and of which not less than \$2,000,000 shall be available for the Northern Plains Agricultural Research Laboratory, Sidney, Montana, for facility construction.”.

## AMENDMENT NO. 3916

On page 50, lines 9 through 12, strike “\$21,221,293,000, of which \$100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations” and insert “\$21,221,793,000, of which \$100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations and \$500,000 shall be available to provide a waiver to the State agency of the State of Montana from the standard utility allowance requirements of section 5(e)(7)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(C))”.

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

## SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of New Hampshire. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, July 25, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2877, to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; S. 2881, to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; and S. 2882, to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 18, 2000, at 9:30 a.m. on Global Warming—National Assessment on Climate Change.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, at 2:30 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet to conduct a hearing on drug costs during the session of the Senate on July 18, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, at 3 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Sub-

committee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, to conduct a hearing on "S. 2733, the Affordable Housing for Seniors and Families Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness be authorized to meet during the session of the Senate on Tuesday, July 18, 2000. The purpose of this meeting will be to examine the future of U.S. agricultural export programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, for a public hearing on Energy Tax Issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that Ben Noble of Senator LEAHY's staff be accorded floor privileges during the remainder of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Garry Stacey Banks, Ashley Badger, Erin Choi, Marissa Coughlin, Crystal Duncan, Ethan Falatko, Geneva Head, Walter Kookesh, Aaron Meredith, David Naneng, Darien Pearson, Marshall Sele, Yun Xia, Jennafer Tryck, and Jensen Young, Alaskan students participating in my summer intern program, be granted floor privileges in order to accompany me on my daily schedule through August 15, 2000. Only two interns will accompany me to the floor at any particular time.

I also ask that Garry Stacey Banks, Ethan Falatko, Marshall Sele, Jennafer Tryck, and Jensen Young be granted floor privileges in order to accompany my legislative director, Chris Schabacker, through August 15, 2000. Only one intern will accompany my legislative director to the floor at any particular time.

#### THE DEATH OF SENATOR PAUL COVERDELL, OF GEORGIA

Mr. LOTT. Mr. President, I have one of the most difficult things to do now

that I have had to do since I have served as majority leader of the Senate, and that is to announce that our beloved colleague from Georgia, PAUL COVERDELL, passed away today at approximately 6:10 p.m. in the Piedmont Hospital in Atlanta, GA. PAUL has been a close friend and confidant, an outstanding Member of this body, and we will miss him greatly.

At the appropriate time, I will join the rest of my colleagues in trying to make appropriate remarks to pay tribute to PAUL, but for now I can't do any more than just make this announcement. I do want to say to Nancy Coverdell and the family that we extend our sympathy and our love. Our hearts are breaking also.

Mr. President, I send a resolution to the desk and ask for its immediate consideration; further, that the resolution be read.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 338),

Whereas the Honorable Paul Coverdell served Georgia in the United States Senate with devotion and distinction;

Whereas the Honorable Paul Coverdell served all the people of the United States as Director of the Peace Corps;

Whereas his efforts on behalf of Georgians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Coverdell a Senator from the State of Georgia.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

Mr. LOTT. Mr. President, I ask unanimous consent that all Members of the Senate be made cosponsors of this resolution, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

Mr. LOTT. Mr. President, we will announce for the Senate and all those who knew and loved PAUL, the details of the services for him when they are available. We don't have that information at this time. I presume sometime tomorrow we will know that. And also I want colleagues to know that they are encouraged to make statements of sympathy during the proceedings tomorrow when we are in session, if they feel so inclined. But, as is the tradition, we will designate a specific time at a later date so that all Senators will

have time to appropriately express their feelings for this fine Senator.

I ask the assistant majority leader conclude our proceedings this afternoon.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I join with our distinguished majority leader in expressing the grief we all feel for a man of peace who did so much in his life, and brilliantly, as Director of the Peace Corps under President Bush. We know him so well and miss him so much and can only share in the thought that he rests in peace.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.]

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, the announcement the majority leader just made that our friend and colleague, PAUL COVERDELL, passed away at 6:10 p.m. today is a very sad statement. PAUL COVERDELL was an outstanding Senator from the State of Georgia. This is Georgia's loss, but it is also a loss for all of our country.

I join with my colleagues in expressing our sympathy to Nancy Coverdell, to the Coverdell family, to all the friends and associates of PAUL COVERDELL, for he was truly an outstanding Senator. He served this body with great distinction, with great humor and leadership. Frankly, he was a leader in everything he did, certainly in the Peace Corps and his service in the Senate. He will truly be missed, not just by Georgians but, frankly, by all Americans.

#### ORDERS FOR WEDNESDAY, JULY 19, 2000

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, July 19. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date and the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. NICKLES. Mr. President, when the Senate convenes at 9:30 a.m., the Senate will immediately resume con-

sideration and debate of the Agriculture appropriations bill. Amendments are expected to be offered and debated throughout tomorrow's session. As previously announced, any votes ordered with respect to the Agriculture appropriations bill will be stacked to occur sometime after 2 p.m. in order to accommodate those Senators attending the funeral service for former Senator Pastore. In addition, as information becomes available with respect to the services for Senator COVERDELL, further announcements will be made.

Mr. BROWNBACK. Mr. President, before we close, I ask that we have a moment of silent prayer for the Paul Coverdell family.

(Moment of silence.)

Mr. NICKLES. Mr. President, I thank my friend and colleague from Kansas, and I wish to reiterate the statement that all of us are praying for the Coverdell family.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 338, out of respect for our colleague, Senator PAUL COVERDELL.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, July 19, 2000, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 18, 2000:

##### UNITED STATES INSTITUTE OF PEACE

SEYMOUR MARTIN LIPSET, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003. (REAPPOINTMENT)

##### IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

##### To be lieutenant

ELIZABETH A. ASHBURN, 0000

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be general

LT. GEN. PETER PACE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

THOMAS J. CONNALLY, 0000

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

##### To be first lieutenant

AARON D. ABDULLAH, 0000  
TINA M. ABRAHAM, 0000  
ERIK R. ABRAHAMSON, 0000  
CEASAR M. ACHICO, 0000  
DAVID M. ADAMIEC, 0000  
RAYMOND L. ADAMS, 0000

KENNETH P. ADDIS, 0000  
JOHN J. AHN, 0000  
LOUIS M. ALBIERO, JR., 0000  
BRIAN S. ALBON, 0000  
GREGORY J. ALLAN, 0000  
EZIEKEL E. ALLEN, 0000  
TIMOTHY E. ANDERSON, 0000  
JOHN T. ANDRESS, 0000  
AARON A. ANGELL, 0000  
DANN V. ANGELOFF, JR., 0000  
BRIAN ANTONELLI, 0000  
ARTHUR D. ANZALONE, 0000  
RICHARD D. APOSTOLICO, 0000  
TOBEI B. ARAI, 0000  
JONPAUL C. ARCHER, 0000  
JOSEPH D. ARICO, 0000  
JAMES F. ARMAGOST, 0000  
ROBERT L. ARMBRUSTER, JR., 0000  
ERICK M. ARMELIN, 0000  
ADRIAN D. ARMOLD, 0000  
MICHAEL J. ARPAIO, JR., 0000  
JOHN R. ARQUETTE, 0000  
JASON D. ARTHAUD, 0000  
LANCE R. ATTAWAY, 0000  
SCOTT K. ATWOOD, 0000  
BRAD E. AUGHINBAUGH, 0000  
BLAS AVILA, JR., 0000  
JULIE L. AYLWIN, 0000  
SHERIF A. AZIZ, 0000  
JAMES S. BACHE, 0000  
JOHN T. BADAMI, 0000  
BROCKLYN D. BAHE, 0000  
EDWARD BAHRET, 0000  
JANINE L. BAILEY, 0000  
GREGORY T. BAKER, 0000  
THOMAS A. BAKER, 0000  
GREGORY R. BAMFORD, 0000  
ROBBI J. BANASZAK, 0000  
JOHN J. BANCROFT, JR., 0000  
ROZANNE BANICKI, 0000  
WALTER C. BANSLEY IV, 0000  
DAVID S. BARBEROT, 0000  
BRUCE E. BARKER, JR., 0000  
GWENDOLYNN L. BARR, 0000  
TRAVIS A. BARTELSON, 0000  
HARVEY BARTLE IV, 0000  
CHRISTOPHER T. BATES, 0000  
BARTHOLOME BATTISTA, 0000  
PAUL J. BATTY, 0000  
JOHN P. BAZYLEWICZ, 0000  
JOSEPH T. BEALS, 0000  
BRADLEY P. BEAN, 0000  
RYAN A. BEAUPRE, 0000  
ERIC M. BECKMANN, 0000  
DAVID A. BEEBE, 0000  
ERIN S. BENJAMIN, 0000  
TIMOTHY R. BENNETT, 0000  
CHRISTOPHER E. BENSON, 0000  
DAVID P. BERARDINELLI, 0000  
CHARLES H. BERCIER III, 0000  
PETER M. BEREZUK, 0000  
FREDERICK L. BERNIER, 0000  
BRENDAN T. BERRY, 0000  
JOHN K. BEST, 0000  
GREGORY S. BIAGI, 0000  
SCOTT T. BIELICKI, 0000  
MICHAEL J. BISSONETTE, 0000  
EDUARDO C. BITANGA II, 0000  
TROY B. BLACK, 0000  
PAUL J. BLAIR, 0000  
DONALD P. BLAND, 0000  
DAVID R. BLASSINGAME, 0000  
ANDREW C. BLOCKSIDGE, 0000  
MICHAEL A. BOCCOLUCCI, 0000  
BRAD P. BOITNOTT, 0000  
BRANDON M. BOLLING, 0000  
CHRISTIAN J. BOLLINGER, 0000  
JOHN A. BONDS, 0000  
JONATHAN A. BOSSIE, 0000  
STEPHEN C. BOUCHER, 0000  
TYLER E. BOUDREAU, 0000  
MICHAEL J. BOULTON, 0000  
MICHAEL B. BOWDOIN, 0000  
CHRISTOPHER J. BOWER, 0000  
ELIKA S. BOWMER, 0000  
JONATHAN L. BRADLEY, 0000  
SEAN P. BRADLEY, 0000  
ROBERT K. BRINTON, 0000  
BRANDON C. BROOKS, 0000  
GARY D. BROOKS, 0000  
BENJAMIN W. BROWN, 0000  
CHRISTOPHER L. BROWN, 0000  
JENNIFER L. BROWN, 0000  
MEREDITH E. BROWN, 0000  
SHANNON M. BROWN, 0000  
TINA M. BROWN, 0000  
CHRISTOPHER A. BROWNING, 0000  
AARON J. BRUNK, 0000  
JOHN P. BRUZZA, 0000  
CHRISTIAN J. BUCHANAN, 0000  
WYNDHAM K. BUEERLEIN, 0000  
ERNEST L. BULLICRUZ, 0000  
KAREN L. BURCKART, 0000  
GREGORY S. BURGESS, 0000  
RUSSELL A. BURKE, 0000  
DOUGLAS W. BURKMAN, 0000  
BRIAN M. BURNS, 0000  
ERIC G. BURNS, 0000  
LOUIS V. BUSH, 0000  
GREGORY K. BUTCHER, 0000  
BRADLEY J. BUTLER, 0000  
SCOTT P. BUTTZ, 0000



DANIEL R. CAMPBELL, 0000  
TAMARA L. CAMPBELL, 0000  
RAFAEL A. CANDELARIO II, 0000  
RONALD M. CANNIZZO, 0000  
CHRISTOPHER P. CANNON, 0000  
ROBERT A. CANO, 0000  
PETER J. CAPUZZI, 0000  
CONLON D. CARABINE, 0000  
DAVID M. CAREY, 0000  
EDWARD M. CARICATO, JR., 0000  
FOSTER T. CARLILE, 0000  
WILLIAM L. CARR, 0000  
CHARLES A. CARTE, 0000  
THOMAS CATUOGNO, 0000  
MATTHEW L. CHADWICK, 0000  
BRIAN A. CHAJEWSKI, 0000  
MICHAEL R. CHALLGREN, 0000  
JEREMY P. CHAPMAN, 0000  
CHRISTOPHER C. CHILDS, 0000  
DAVID M. CHIODO, 0000  
JEFFERY M. CHIOW, 0000  
JAMES M. CHITTENDEN, 0000  
JOHN Y. CHONG, 0000  
DANIEL P. CHRISTMAS, 0000  
DAVIS R. CHRISTY, 0000  
DARIN A. CHUNG, 0000  
BILLY J. CLARK, 0000  
JOSHUA D. CLAYTON, 0000  
C R. CLIFT, 0000  
DARIUS COAKLEY, 0000  
LLONIE A. COBB, 0000  
COLIN P. COCKRELL, 0000  
WILLIAM J. CODY, 0000  
BRIAN W. COLE, 0000  
CHRISTOPHER G. COLLINS, 0000  
CHRISTOPHER J. COLLINS, 0000  
JAMES B. COLLINS, 0000  
RYAN M. CONNOLLY, 0000  
JUSTIN CONSTANTINE, 0000  
LEE K. COOPER, 0000  
ROBERT L. CORL, 0000  
LESTER M. CORPUS, 0000  
JEFFREY C. CORRIVEAU, 0000  
STEPHEN L. COSBY, 0000  
JOSEPH V. COSENTINO, 0000  
MICHAEL H. COTHERN, 0000  
CHRISTOPHER G. COVER, 0000  
BRADLEY S. COWLEY, 0000  
CHRISTOPHER S. COX, 0000  
LUKE A. COYLE, 0000  
BARRY A. CRAFT, JR., 0000  
MICHAEL L. CRAIGHEAD, 0000  
RYAN E. CRAIS, 0000  
LORI R. CREEL, 0000  
THOMAS R. CRELLIN, 0000  
BRENT A. CREWS, 0000  
MICHELLE E. CROFTS, 0000  
KRISTOPHER M. CRONIN, 0000  
CLINTON A. CULP, 0000  
THOMAS P. CUNNINGHAM, 0000  
CHRISTOPHER C. CURRAN, 0000  
IAN C. DAGLEY, 0000  
NINA A. DAMATO, 0000  
JEFFREY R. DANSIE, 0000  
MEHDI A. DARAKJY, 0000  
JOHN F. DASTOLI, 0000  
CARLOS M. DAVILA, JR., 0000  
JUN YOUNG K. DAVIS, 0000  
MARK S. DAVIS, 0000  
ROBERT B. DAVIS, 0000  
SCOTT R. DAVIS, 0000  
TIMOTHY A. DAVIS, 0000  
TIMOTHY R. DAVIS, 0000  
VINCENT C. DAWSON, 0000  
NORMAN T. DAY, 0000  
DAVID K. DECARION, 0000  
MICHAEL J. DEDDENS, 0000  
JOSE M. DELEON, JR., 0000  
ANDREW M. DELGAUDIO, 0000  
BRYAN C. DELIA, 0000  
GERALD DELIRA, JR., 0000  
JOSEPH T. DELLOS, 0000  
VINCENT A. DELPIDIO III, 0000  
CHARLES W. DELPIZZO III, 0000  
GREGORY P. DEMARCO, 0000  
GREGORY R. DEMIK, 0000  
COLLEEN R. DEMOSS, 0000  
SAMUEL N. DEPUTY, 0000  
CHRISTIAN T. DEVINE, 0000  
PATRICIA M. DIENHART, 0000  
MICHAEL C. DIETZ, 0000  
JASON F. DIJOSEPH, 0000  
ERIC C. DILL, 0000  
JUSTIN T. DIRICO, 0000  
ANDREW P. DIVINEY, 0000  
ERIC L. DIXON, 0000  
GILBERT F. DMEZA, 0000  
JOHN F. DOBRYDNEY, 0000  
WILLIAM DOCTOR, JR., 0000  
KEVIN M. DOHERTY, 0000  
HENRY DOLBERRY, JR., 0000  
DAVID M. DOMAN, 0000  
JOHN H. DOUGLAS, 0000  
STEWART L. DOWNIE, 0000  
DOUGLAS A. DOWSON, 0000  
TERESA J. DRAG, 0000  
ANDREW S. DREIER, 0000  
JONATHAN A. DREXLER, 0000  
STEPHEN D. DRISKILL, 0000  
AARON A. DRUMMOND, 0000  
CHARLES E. DUDIK, 0000  
CHRISTOPHER M. DUKE, 0000

JOSEPH R. DUMONT, 0000  
JASON K. DUNCAN, 0000  
CHRISTOPHER M. DUNY, 0000  
RYAN E. DUNHAM, 0000  
DOUGLAS R. DUNLAP, 0000  
SEAN R. DUNN, 0000  
KATHLEEN M. DUNNE, 0000  
TANYA M. DURHAM, 0000  
MICHAEL E. DWYER, 0000  
SCOTT A. DYER, 0000  
JONATHAN J. ECKHARDT, 0000  
SCOTT C. EDWARDS, 0000  
DAVID I. EICKENHORST, 0000  
PHILIP E. EILERTSON, 0000  
CHRISTOPHER P. ELHARDT, 0000  
RYAN M. ELLER, 0000  
JOHN M. ENNIS, 0000  
RYAN J. ERISMAN, 0000  
WILLIAM R. ERRETT, 0000  
BRYAN M. ESPRIT, 0000  
MICHAEL F. ESTORER, 0000  
DANIEL J. EVANS, 0000  
MATTHEW S. FAHRINGER, 0000  
DAVID D. FAIRLEIGH, 0000  
ROBERT B. FARRELL, 0000  
TIMOTHY F. FARRELL, 0000  
JOHN P. FARRIS II, 0000  
THOMAS R. FECHTER, 0000  
MICHAEL J. FEDOR, 0000  
WILLIAM A. FEEKS, 0000  
MARTIN E. FEENY, 0000  
MATTHEW D. FEHMEI, 0000  
DANIEL C. FELICIANO, 0000  
WILLIAM T. FELTS IV, 0000  
WILLIAM B. FENWICK, 0000  
SCOTT E. FERENC, 0000  
ERNEST D. FERRARESSO, 0000  
SHANNON R. FIELDS, 0000  
PETER C. FIGLIOZZI, 0000  
FRANK E. FILLER, 0000  
CORNELIUS T. FINNEGAN IV, 0000  
JAMES F. FINNEGAN, 0000  
MICHAEL L. FITTS, 0000  
ROBERT C. FITZBAG, 0000  
JAMES C. FITZHUGH, 0000  
CHARLES N. FITZPATRICK III, 0000  
ROBERT J. FITZPATRICK, 0000  
RYAN P. FITZPATRICK, 0000  
MARY K. FLATLEY, 0000  
PHILIP E. FLECHER, JR., 0000  
MICHAEL C. FLEMMING, 0000  
JASON R. FLYNN, 0000  
FREDERICK D. FOLSON, 0000  
RYAN P. FORD, 0000  
TRAVIS A. FORD, 0000  
JUAN F. FORERO, 0000  
BRYAN J. FORNEY, 0000  
VINCENT P. FORTUNATO, 0000  
MARC H. FOSTER, 0000  
MARK E. FRANKO, 0000  
JASON E. FRANKS, 0000  
LAWRENCE M. FRAUNHEIM, 0000  
AARON T. FRAZIER, 0000  
PETER D. FREEBURN, 0000  
CHRISTOPHER A. FRY, 0000  
BENJAMIN D. FRYE, 0000  
JASON A. GADDY, 0000  
JASON P. GALETTI, 0000  
ANTANAS D. GARBAUSKAS, 0000  
JER J. GARCIA, 0000  
JOANNA L. GARCIA, 0000  
KENNETH C. GARDNER, JR., 0000  
RYAN K. GATCHELL, 0000  
JOSHUA T. GAUGHEN, 0000  
SAMUEL C. GAZZO, 0000  
SCOTT A. GEHRIS, 0000  
JOSEPH H. GENT, 0000  
LESTER R. GERBER, 0000  
MICHAEL J. GERVASONI, 0000  
MATTHEW S. GETZ, 0000  
PAUL M. GHIOZZI, 0000  
PETER M. GIBBONS, 0000  
JASON L. GIBSON, 0000  
GINGER E. GIERMAN, 0000  
TARRELL D. GIERSCHE, 0000  
JOHN S. GILBERT, 0000  
JESSE J. GIPSON, 0000  
RICHARD L. GLADWELL, JR., 0000  
OWEN L. GLISTER, 0000  
IAN T. GLOVER, 0000  
PATRICK M. GLYNN, 0000  
MICHAEL B. GOLDSTEIN, 0000  
CARLO J. GONZALEZ, 0000  
GILBERTO C. GONZALEZ, JR., 0000  
MATTHEW J. GORBATTY, 0000  
JAMES H. GORDON, 0000  
DUSTIN B. GORZYNSKI, 0000  
RYAN W. GOUGH, 0000  
AIDEN S. GOULD, 0000  
GREGORY F. GOULD, 0000  
KENNETH B. GRAF, 0000  
GRAHAM R. GRAFTON, 0000  
BRANDON W. GRAHAM, 0000  
KEVIN P. GRAVES, 0000  
MICHAEL A. GRAZIANI, 0000  
MAX S. GREEN, 0000  
BRANDON C. GREGOIRE, 0000  
JOHN R. GREGORY, 0000  
ADAM W. GRESHAM, 0000  
BRIAN R. GRIFFING, 0000  
CHRISTOPHER M. GRIFFITH, 0000  
SAMUEL M. GRIFFITH, 0000

SHANA L. GRITSAVAGE, 0000  
JASON D. GROSE, 0000  
CHRISTOPHER D. HAFFER, 0000  
DANIEL M. HAJEK, 0000  
JEREMY S. HALCOMB, 0000  
CHRISTOPHER W. HALL, 0000  
MARK G. HALL, 0000  
MICHAEL S. HALL, 0000  
JASON M. HAMILTON, 0000  
ALFRED B. HAMMETT, II, 0000  
JEFFREY L. HAMMOND, 0000  
MARK A. HAND, 0000  
MICHAEL F. HAND, 0000  
ERIC H. HANEMANN, 0000  
JASON C. HANIFAN, 0000  
PETER C. HANTELMAN, 0000  
KEVIN B. HARBISON, 0000  
ETHAN H. HARDING, 0000  
TODD A. HARDING, 0000  
MICHAEL A. HARLOW, 0000  
BRETT M. HARNISH, 0000  
JEFFREY M. HARRINGTON, 0000  
RYAN E. HARRINGTON, 0000  
CLINT C. HARRIS, 0000  
GEORGE D. HASSELTINE, 0000  
HOWARD H. HATCH, 0000  
BLAKE E. HAUSMAN, 0000  
CORY M. HAVENS, 0000  
ROBERT C. HAWKINS, 0000  
ORION J. HAYES, 0000  
MICHELLE L. HEATH, 0000  
BRENDAN G. HEATHERMAN, 0000  
TREVOR A. HEIDENREICH, 0000  
WILLIAM C. HENDRICKS, IV, 0000  
HENRY A. HENEGAR, III, 0000  
JOHN M. HENTZ, 0000  
ADAM G. HENRICH, 0000  
JESSICA L. HENRYSPAYDE, 0000  
ARTURO HERNANDEZLOPEZ, 0000  
HEATHER L. HERNANDEZTHEIS, 0000  
JOHN P. HERRON, 0000  
PHILIP R. HERSCHELMAN, 0000  
DREW R. HESS, 0000  
JASON W. HEUER, 0000  
DOUGLAS P. HIBSHMAN, 0000  
BRANDON M. HIGGINS, 0000  
AARON P. HILL, 0000  
RICHARD J. HOPKINS, 0000  
CHRISTOPHER L. HOLLOWAY, 0000  
CHRISTOPHER M. HOLLOWAY, 0000  
FRANKLIN R. HOOKS, II, 0000  
JAMES B. HOOVER, 0000  
JOSHUA D. HOPFER, 0000  
MAX H. HOPKINS, 0000  
RICHARD L. HOPKINS, JR., 0000  
WILSON M. HOPKINS, III, 0000  
BRYAN T. HORVATH, 0000  
ALEJANDRO R. HOUSE, 0000  
DANE L. HOWELL, 0000  
MARK A. HOWEY, 0000  
WILLIAM C. HOWLETT, 0000  
MICHAEL R. HUDSON, 0000  
KENNETH S. HULATA, 0000  
JAMES B. HUNT, 0000  
MICHAEL L. HUNTING, JR., 0000  
PER D. HURST, 0000  
HENRY E. HURT, III, 0000  
JAY D. HUSBANDS, 0000  
ANDREW J. HUSMAN, 0000  
BRET M. HYLIA, 0000  
JOHN C. ILLIA, 0000  
GEORGE F. INMAN, JR., 0000  
TIMOTHY W. IRWIN, 0000  
VICTOR R. ISLAS, 0000  
JOSHUA E. IZENOUR, 0000  
CARLOS T. JACKSON, 0000  
JIMMY L. JACKSON, 0000  
REGINALD L. JACKSON, JR., 0000  
MATHEW J. JACOBSEN, 0000  
JOHN J. JAKESKI, 0000  
ROBERT E. JAMES, 0000  
JASON M. JANCZAK, 0000  
RYAN P. JANOSEK, 0000  
DONALD A. JANVRIN, 0000  
MIKE K. JERON, 0000  
FERNANDO V. JIMENEZ, 0000  
CHRISTOPHER H. JOHANSEN, 0000  
JOHN C. JOHNS, 0000  
THOMAS V. JOHNS, 0000  
ANDREW D. JOHNSON, 0000  
CHRISTOPHER L. JOHNSON, 0000  
DAVID A. JOHNSON, 0000  
GRANT M. JOHNSON, 0000  
KIMBERLY A. JOHNSON, 0000  
MICHAEL J. JOHNSON, 0000  
PAUL K. JOHNSON III, 0000  
ANNEKE L. JOHNSTON, 0000  
MARC A. JOHNSTON, 0000  
RANDALL C. JOHNSTON, 0000  
KEMPER A. JONES, 0000  
SYDNEY F. JORDAN, JR., 0000  
DAVID C. JOSEFORSKY, 0000  
ANGELA C. JUDGE, 0000  
FRANCIS A. JUROVICH III, 0000  
MICHAEL C. KAHN, 0000  
DANIEL B. KALSON, 0000  
TIMOTHY A. KAMB, 0000  
MARK T. KAMINSKY, 0000  
ANDREW D. KARAMANOS, 0000  
DOV KAWAMOTO, 0000  
MARTIN P. KAZANJIAN, 0000  
CHRISTOPHER F. KEADY, 0000

RONALD W. KEARSE, 0000  
COLIN H. KEENAN, 0000  
JOHN P. KEENAN, 0000  
BRIAN K. KELLER, 0000  
ALEXANDER E. KELLEY, 0000  
SHAWN M. KELLY, 0000  
TIMOTHY L. KELLY, 0000  
CHRISTOPHER A. KENNEDY, 0000  
ERIN M. KEWIN, 0000  
MATTISON J. KIDD, 0000  
MARK A. KIEHLE, 0000  
JOHN E. KIM, 0000  
TROY O. KIPER, 0000  
THOMAS F. KISCH, 0000  
MICHAEL C. KLINE, 0000  
AARON R. KNEPEL, 0000  
TOMIS M. KNEPPER, 0000  
JAMES A. KNIGHT, 0000  
BRANDON S. KNOTTS, 0000  
JACK R. KNOX, JR., 0000  
JOHN D. KNUTSON, 0000  
ROBERT M. KOHRS, 0000  
NOAH J. KOMNICK, 0000  
VINCE W. KOOPMANN, 0000  
PAUL B. KOPACZ, 0000  
CHRISTOPHER M. KOREN, 0000  
JAMES F. KORTH, 0000  
JEFFERSON L. KOSICH, 0000  
SPEROS C. KOUMPARAKIS, 0000  
SHANNON M. KRAFT, 0000  
CHARLES B. KROLL, 0000  
LORI KRSULICH, 0000  
MATTHEW B. KUCHARSKI, 0000  
ADZEKAI M. KUMA, 0000  
JOHN J. KURIGER, 0000  
JOSEPH B. LAGOSKI, 0000  
PHILIP C. LAING, 0000  
JEFFREY K. LAMB, 0000  
JUSTIN D. LAMORIE, 0000  
SAMUEL W. LANASA, JR., 0000  
MATTHEW J. LANDRY, 0000  
CARROLL K. LANE, 0000  
DEREK E. LANE, 0000  
JEFFREY J. LARSON, 0000  
CHRISTOPHER R. LASHER, 0000  
GOTTFRIED H. LAUBE, JR., 0000  
SCOTT A. LAUZON, 0000  
ANDREAS D. LAVATO, 0000  
GARY R. LAWSON, II, 0000  
DUSTIN T. LEE, 0000  
KATHY R. LEE, 0000  
SAMUEL K. LEE, 0000  
ADAM V. LEFRINGHOUSE, 0000  
JOEL T. LEGGETT, 0000  
ANDREW T. LEPPERT, 0000  
MATTHEW E. LEYMAN, 0000  
DOUGLAS A. LINDAMOOD, 0000  
JONATHAN B. LINDSEY, 0000  
JOSEPH B. LINGGI, 0000  
SUSAN K. LINSERT, 0000  
JOHN W. LITTON, 0000  
JON B. LIVINGSTON, 0000  
ANDREW J. LOCKETT, 0000  
ANTHONY W. LOIGNON, 0000  
BRENT A. LOOBY, 0000  
ALFRED J. LOUIS, JR., 0000  
BRIAN F. LOWE, 0000  
JOSH R. LOWE, 0000  
JAMES T. LOWERY, 0000  
MICHAEL R. LUCIANI, 0000  
HAROLD Q. LUCIE, 0000  
GALIN G. LUK, 0000  
CHRISTOPHER D. LUTHER, 0000  
JONATHAN C. LUTTMANN, 0000  
ANDREW D. LYNCH, 0000  
STEVEN M. LYONS, 0000  
SCOTT J. MABEE, 0000  
DAVID C. MAIER, 0000  
SEAN W. MAITA, 0000  
MAREK Z. MAKAREWICZ, 0000  
MICHAEL J. MANIFOR, 0000  
WILLIAM M. MAPLES, 0000  
WILLIAM J. MARKHAM III, 0000  
JON S. MARONEY, 0000  
MICHAEL F. MARTIN, 0000  
MICHAEL D. MARTINO, 0000  
JUSTIN E. MARVEL, 0000  
TAMARA A. MASON, 0000  
GARTH P. MASSEY, 0000  
RENEE L. MATTHEWS, 0000  
STEPHEN W. MATTHEWS, 0000  
CHRISTOPHER J. MAYFIELD, 0000  
ADAM W. MCARTHUR, 0000  
JAMES K. MCBRIDE, 0000  
MICHAEL D. MCCARTY, JR., 0000  
MICHAEL M. MCCLOUD, II, 0000  
DANIEL G. MCCOLLUM, 0000  
LUCAS M. MCCONNELL, 0000  
GARY A. MCCULLAR, 0000  
JUDSON C. MCDANIEL, 0000  
KEVIN M. MCDONALD, 0000  
MARK J. MCDONALD, 0000  
MARK D. MCFARLAND, 0000  
JOHN G. D. MCGARRY, 0000  
GREGORY C. MCGEE, 0000  
BRIAN T. MCGONAGLE, 0000  
JAMES P. MCGONIGLE, III, 0000  
AMY M. MCGRATH, 0000  
JAMES R. MCGRATH, 0000  
GREGORY A. MCGUIRE, 0000  
RODRICK H. MCHATY, 0000  
ADAM T. MCHENRY, 0000

CAMERON M. MCKAY, 0000  
BRYAN T. MCKERNAN, 0000  
ADAM T. MCLENDON, 0000  
SCOTT D. MCLEOD, 0000  
MICHAEL T. MCQUADE, 0000  
JOHN P. MCSHANE, 0000  
JEFFREY L. MEEKER, 0000  
ANDREW F. MEREDITH, 0000  
CHRISTOPHER M. MERRILL, 0000  
CHRISTOPHER M. MESSINEO, 0000  
SAMUEL L. MEYER, 0000  
CHRISTOPHER V. MEYERS, 0000  
SHARRON M. MICHAEL, 0000  
ADAM E. MILLER, 0000  
BRIAN M. MOLL, 0000  
SCOTT MONTES, 0000  
KEVIN M. MONTGOMERY, 0000  
MARK A. MONTOYA, 0000  
JOHN M. MOORE, 0000  
ELLIOT MORA, 0000  
DAVID F. MORAN, 0000  
DAVID M. MOREAU, 0000  
JENNIFER B. MORRIS, 0000  
TRAVIS L. MORSE, 0000  
STEPHEN H. MOUNT, 0000  
ROGER O. MOUSEL, JR., 0000  
JESSICA S. MOWREY, 0000  
JOHN P. MULKERN, 0000  
BRIAN T. MULVIHILL, 0000  
RAMON J. MUNOZ, 0000  
SETH MUNSON, 0000  
GERALD E. MURPHY, 0000  
CHRISTOPHER M. MURRAY, 0000  
SEAN M. MURRAY, 0000  
MICHAEL R. NAKONIECZNY, 0000  
YOHANNES NEGGA, 0000  
NICHOLAS O. NEIMER, 0000  
ANDREW J. NELSON, 0000  
ISAAC D. NELSON, 0000  
CHRISTINA F. NESMITH, 0000  
JAMES D. NEUSHUL, 0000  
DAVID E. NEVERS, 0000  
MICHAEL E. NEWMAN, 0000  
VICTOR NEWSOM, 0000  
DEREK J. NEYMEYER, 0000  
HILARY NICESWANGER, 0000  
CHRISTOPHER M. NICHOLSON, 0000  
ALEXANDRA K. NIELSEN, 0000  
JONCLAUD A. NIX, 0000  
STEVEN J. NOLEN, 0000  
MARVIN L. NORCROSS, JR., 0000  
WADE H. NORDBERG, 0000  
BRIAN M. NORDIN, 0000  
EDWIN NORRIS, 0000  
RUSSELL H. NORRIS, 0000  
AARON J. NOTEBOOM, 0000  
MICHAEL M. OBALDE, 0000  
ELTON D. O'BRIEN, 0000  
WILLIAM E. O'BRIEN, 0000  
CHRISTOPHER P. O'DONNELL, 0000  
JEFFREY M. O'DONNELL, 0000  
THOMAS R. OEHLER, 0000  
JEFFREY W. OLESKO, 0000  
DONALD W. OLIVER, JR., 0000  
BERNARD J. O'LOUGHLIN, 0000  
READ M. OMOHUNDRO, 0000  
JARLATH P. ONEILDUNNE, 0000  
CHRISTOPHER G. OPRISON, 0000  
SEAN F. O'QUINN, 0000  
PATRICK J. O'ROURKE, 0000  
MICHAEL W. OSBORN, 0000  
PAUL J. OVALLE, 0000  
QUINTON S. PACKARD, 0000  
SPENCER L. PADGETT, 0000  
DARNELL K. PALMER, 0000  
MARK A. PAOLICELLI, 0000  
VASILIOS E. PAPPAS, 0000  
JASON D. PARDUE, 0000  
YOUNG K. PARK, 0000  
DAMON M. PARKER, 0000  
GREGORY S. PARKER, 0000  
TERENCE L. PARKER, 0000  
THOMAS W. PARKER, 0000  
RICHARD E. PARKINSON, 0000  
RICHARD H. PARRISH, 0000  
BRIAN C. PATE, 0000  
ANGELA D. PATERNA, 0000  
RICHARD B. PATTESON, 0000  
MARTHA L. PAYNE, 0000  
MATTHEW R. PEARCE, 0000  
JASON D. PEJSA, 0000  
ERIC J. PENROD, 0000  
CHRISTOPHER R. PERKINS, 0000  
NATHAN T. PERKKIO, 0000  
TRINITY D. PERSFUL, 0000  
STEPHEN C. PETERS, 0000  
DAREN R. PETERSON, 0000  
ROBERT C. PETERSON, 0000  
MATHEW J. PFEFFER, 0000  
TUANANH T. PHAM, 0000  
BRADLEY W. PHILLIPS, 0000  
NATHALIE C. PICADO, 0000  
NEAL P. PLASKONOS, 0000  
ROBERT J. PLEAK, 0000  
CLAY A. PLUMMER, 0000  
JAMES P. POPPY, 0000  
CHERYL L. PORAK, 0000  
LARRY S. POST, 0000  
DEREK A. POTEET, 0000  
BRENDAN W. POWELL, 0000  
AARON E. PRICE, 0000  
CARL C. PRIECHENFRIED, 0000

ROBERT C. PRIJATELJ, 0000  
JAMES PRUDHOMME III, 0000  
RYAN A. PYKE, 0000  
EUGENE A. QUARRIE III, 0000  
ROBERT P. RACE, 0000  
MATTHEW M. RAFFERTY, 0000  
GEORGE P. RAMSEY, 0000  
ROBERT P. RANDAZZO, 0000  
MILAN K. RATKOVICH, 0000  
CASMER J. RATKOWIAK III, 0000  
GUY W. RAVEY, 0000  
MIHAE P. RAVEY, 0000  
HUNTER R. RAWLINGS IV, 0000  
WILLIAM G. RAYNE, 0000  
JAMES D. REDDING, 0000  
ANDREW P. REED, 0000  
KEVIN L. REED, 0000  
MATTHEW L. REGNER, 0000  
ROBERT B. REHDER, JR., 0000  
DAVID M. REILLY, 0000  
CHRISTOPHER T. REINHART, 0000  
PETER O. REITMEYER, 0000  
KIMBERLY A. REITZ, 0000  
JULIAN D. REYESJONES, 0000  
JACOB L. REYNOLDS, 0000  
PATRICK J. REYNOLDS, JR., 0000  
BRYAN M. RHODE, 0000  
KERRY K. RHODES, 0000  
WILLIAM T. RHODES, 0000  
SHELTON RICHARDS, 0000  
BRYAN D. RICHARDSON, 0000  
JAMES E. RICHARDSON, JR., 0000  
JASON P. RICHTER, 0000  
THOMAS A. RICKS, 0000  
JASON P. ROBERTS, 0000  
RICHARD C. ROBERTS, 0000  
BENJAMIN C. ROBERTSON, 0000  
EDWARD N. ROBINSON, 0000  
NATHANIEL K. ROBINSON, 0000  
SEAN M. ROCHE, 0000  
CHRISTOPHER A. ROCK, 0000  
RANDY L. RODEN, 0000  
VICTOR G. ROEPKE, 0000  
CHRISTOPHER B. ROGERS, 0000  
DAVID M. ROONEY, 0000  
GUILLERMO ROSALES, JR., 0000  
OMAR W. ROSALES, 0000  
AARON M. ROSE, 0000  
EDWIN B. ROSE, 0000  
ERIK M. ROSENBERRY, 0000  
DAWN C. ROSENBLAD, 0000  
KEVIN L. RUNOLFSO, 0000  
MICHAEL RUSH, 0000  
WILLIAM A. RUSHE IV, 0000  
MICHAEL D. RUSS, 0000  
TRAVIS G. RUSSELL, 0000  
JOHN T. RYAN, 0000  
RUSSELL C. RYBKA, 0000  
STEVEN A. SABLAN, 0000  
REGINA M. SABO, 0000  
CHRISTI L. SADDLER, 0000  
ANDRE P. SALVANERA, 0000  
JOHN E. SAMPSON, 0000  
SOUNTHONE SANANIKONE, 0000  
ROLANDO R. SANCHEZ, 0000  
TIMOTHY J. SANCHEZ, 0000  
WILLIAM D. SANDS, JR., 0000  
ERIC T. SANEHOLTZ, 0000  
KURT M. SANGER, JR., 0000  
WILLIAM A. SANTMYER, 0000  
LARA A. SANTOS, 0000  
DANIEL S. SARNER, 0000  
JOHN S. SATTELY, 0000  
KEVIN T. SAUNDERS, 0000  
JEFFREY B. SAXTON, 0000  
KARL E. SCHIMMECK, 0000  
KARL T. SCHMIDT, 0000  
ZACHARY T. SCHMIDT, 0000  
PAUL M. SCHNEIDER, 0000  
TIMOTHY W. SCHNELLE, 0000  
MICHAEL T. SCHOELZ, 0000  
RYAN J. SCHOMER, 0000  
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ABEL A. SCHULTZE, 0000  
CHARLES F. SCHWARM, 0000  
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MICHAEL J. SHEA, 0000  
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SHANNON L. SHINSKIE, 0000  
LESLIE A. SHIOZAWA, 0000  
JAMES F. SIFFERLEN, 0000  
ALAN D. SILVA, 0000  
LOUIS P. SIMON, 0000  
ADAN E. SISNEROS, 0000  
MICHAEL F. SKORICH, 0000  
JOSEPH G. SKRYD, 0000  
DANIEL J. SKUCE, 0000  
RICHARD T. SLACK, 0000  
DAVID B. SLAY, 0000  
SAMUEL L. SLAYDON, 0000

July 18, 2000

MARC R. SLEDGE, 0000  
TIMOTHY M. SLINGER, 0000  
GRAHAM F. SLOAN, 0000  
SAMUEL D. SMALDONE, 0000  
DAVID P. SMAY IV, 0000  
ANTHONY L. SMITH, 0000  
ERIC D. SMITH, 0000  
JAMES W. SMITH, 0000  
JOSHUA E. SMITH, 0000  
MELVIN SMITH, JR., 0000  
MICHAEL R. SMITH, 0000  
ROGER A. SMITH, 0000  
SEAN P. SMITH, 0000  
MARK C. SMYDRA, 0000  
STEFAN R. SNEDEN, 0000  
TRACI L. SNIVELY, 0000  
WILLIAM R. SNOWMAN, 0000  
MATHIEU J. SOULIERE, 0000  
KIRK M. SPANGENBERG, 0000  
DAVID W. SPANGLER, 0000  
RAYMOND V. SPAULDING, 0000  
BENJAMIN O. SPIELER, 0000  
MATTHEW A. SPURLOCK, 0000  
RANDY J. STAAB, 0000  
JAMES F. STAFFORD, 0000  
DAVID H. STANTON II, 0000  
JAMES R. STARR, JR., 0000  
JOSEPH H. STEELE III, 0000  
ROBERT A. STEELE, 0000  
JEFFREY S. STEPHENS, 0000  
BLAIR A. STEVENSON, 0000  
KENRIC D. STEVENSON, 0000  
ALYSSA R. STEWART, 0000  
JOHN E. STEWART II, 0000  
ALEXIS G. STOBBE, 0000  
STEVEN W. STORMANT, 0000  
DEAN T. STOUFFER, 0000  
KEVIN M. STOUT, 0000  
JONATHAN J. STRASBURG, 0000  
FRANK W. STRYCHAZ, 0000  
WAYNE E. STUETZEL, 0000  
JAMES M. SULLENBERGER, 0000  
JOSEPH C. SWANSON, 0000  
THOMAS C. SWEATMAN, 0000  
JUSTIN R. SWICK, 0000  
MICHAEL N. SWIFT, 0000  
TROY S. SYBESMA, 0000  
GREGORY V. SZEPE, 0000  
DAVID C. SZWED, 0000  
STEPHEN M. SZYMANSKI, JR., 0000  
PETER TABASH, 0000  
DAVID H. TAFPE, 0000  
JASON E. TAUCHES, 0000  
ERIK C. TAUREN, 0000  
BARRON S. TAYLOR, 0000

CONGRESSIONAL RECORD—SENATE

BRIAN J. TAYLOR, 0000  
BRIAN R. TAYLOR, 0000  
COREY M. TAYLOR, 0000  
JAMES L. TAYLOR, JR., 0000  
JOHN S. TAYLOR, 0000  
STEPHEN J. TAYLOR, 0000  
JOSEPH D. TEASLEY, 0000  
BRADLEY J. TEEMLEY, 0000  
PATRICK K. TEMPLE, 0000  
HAMARTRYA V. THARPE, 0000  
LAURENT C. THERIVEL, 0000  
AMY N. THOMAS, 0000  
CHARLES G. THOMAS, JR, 0000  
MICHAEL P. THUE, 0000  
PATRICK P. TIERNAN, 0000  
JOHN W. TINNING, 0000  
EMMANUEL V. TIPON, 0000  
PETER M. TITTERTON, 0000  
CURTIS J. TOMCZAK, 0000  
ROBERT A. TOMLINSON, 0000  
JOHN E. TOWN, 0000  
MATTHEW W. TRACY, 0000  
MICHAEL D. TRAPP, 0000  
HEATHER A. TROUT, 0000  
GAYLEN D. TRUSLOW, 0000  
JOSEPH B. TURKAL, 0000  
SHAWN S. TURNER, 0000  
HANORAH E. TYERWITEK, 0000  
JOSEPH S. UCHYTIL, 0000  
EDWARD L. USHER, 0000  
JAMES D. UTSLER, 0000  
DAVID A. VALDEZ, 0000  
JAMES D. VALENTINE, 0000  
JOSHUA M. VANCE, 0000  
CHAD D. VANDENBERG, 0000  
MARK R. VANDERBEEK, 0000  
JAY E. VANDERVOORT, 0000  
TOBIAS K. VANESSELSTYN, 0000  
CHAD I. VANSOMEREN, 0000  
JAMES A. VAUGHAN, 0000  
CHAD A. VAUGHN, 0000  
QUENTIN R. VAUGHN, 0000  
ANTONIO E. VELASQUEZ II, 0000  
WILLIAM M. VESSEY, 0000  
SEAN M. VIEIRA, 0000  
MATTHEW F. VIRNIG, 0000  
ROMAN P. VITKOVITSKY, 0000  
JARED C. VONEIDA, 0000  
PAT P. VONGSAVANH, 0000  
LEAF H. WADE, 0000  
PHILIP E. WAGGONER, 0000  
MATTHEW B. WAGNER, 0000  
THOMAS O. WAGNER II, 0000  
JASON A. WALKER, 0000  
MICHAEL T. WALLACE, 0000

WAYNE J. WALTRIP, 0000  
THOMAS M. WARREN, 0000  
GREGORY WARRINGTON, 0000  
ALTON A. WARTHEN, 0000  
ANTONIO H. WATERS, 0000  
SCOTT M. WAWRZYNIAK, 0000  
WILLIAM S. WEIS, 0000  
ERIC E. WEISS, 0000  
VINCENT J. WELCH, 0000  
TRAVIS B. WELLS, 0000  
CHRISTINE F. WELZMUELLER, 0000  
MICHAEL P. WESTHEAD, 0000  
TASHA D. WESTINGHOUSE, 0000  
JASON L. WHALEN, 0000  
EDDIE R. WHEELER, 0000  
JODY E. WHITE, 0000  
VAN E. WHITE, 0000  
DANIEL M. WHITLEY, 0000  
DANIEL K. WICKENS, 0000  
VERNON C. WILKENS, JR., 0000  
CHAD D. WILKINSON, 0000  
EDWARD J. WILLETT III, 0000  
DANIEL L. WILLIAMS, 0000  
JAMES R. WILLIAMSON, 0000  
BRETT M. WILSON, 0000  
BRYAN D. WILSON, 0000  
ROY W. WILSON, 0000  
TIMOTHY E. WILSON, 0000  
JOEL A. WIRTZ, 0000  
LYNN M. WISEHART, 0000  
JAMES T. WITHROW, 0000  
BRIAN E. WOBENSMITH, 0000  
KEVIN WOJCICKI, 0000  
DOUGLAS N. WOLFE, 0000  
JENNIFER M. WOLFE, 0000  
STACEY L. WOLFE, 0000  
DARREN C. WOLFF, 0000  
BRIAN P. WOOD, 0000  
RICHARD C. WOODS, JR., 0000  
WADE L. WORKMAN, 0000  
RICHARD S. WORTHINGTON, JR., 0000  
ALEXANDER B. WRIGHT, 0000  
COURTNEY D. WYCKOFF, 0000  
NEAL B. WYNN II, 0000  
JAMISON YI, 0000  
LUKE R. YLITALO, 0000  
NEBYOU YONAS, 0000  
JEFFERSON T. YOUNG III, 0000  
MATTHEW S. YOUNGBLOOD, 0000  
AMGAD H. YOUSSEF, 0000  
DANIEL R. ZAPPA, 0000  
JOHN J. ZAVALETA, 0000  
BRIAN M. ZIEGLER, 0000  
DANIEL M. ZONAVETCH, 0000

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## HOUSE OF REPRESENTATIVES—Tuesday, July 18, 2000

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 18, 2000.

I hereby appoint the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
Speaker of the House of Representatives.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 337

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John O. Pastore, formerly a Senator from the State of Rhode Island.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4516) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2550. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2551. An act to authorize appropriations for fiscal year 2001 for military construction, and for other purposes.

S. 2552. An act to authorize appropriations for fiscal year 2001 for defense activities of the Department of Energy, and for other purposes.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS) for 5 minutes.

### CYPRUS BELONGS TO ALL CYPRIOTS

Mr. BILIRAKIS. Mr. Speaker, as I have done every year I rise again today to declare my fierce objection to the 26-year occupation of the Island of Cyprus by Turkish troops and to express my grave concern for the future of the area.

In July of 1974 Turkish troops invaded Cyprus, seized 37 percent of the island, killed 5,000 people and brutally expelled 200,000 Greek Cypriots from their homes. A quarter of a century later, 1,400 of these people, including 4 Americans, still remain unaccounted for.

For the past 26 years, Cyprus has been divided by the green line, a 113 mile barbed wire fence that runs across the island. Greek Cypriots are prohibited from visiting the towns and communities where their families have lived for generations. With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world.

The illegal nature of the Turkish aggression and the brutality with which it was conducted aroused the indignation of the entire international community. The self-proclaimed Turkish Republic of Northern Cyprus remains a pariah in the international community with no nation, except Turkey, recognizing its legitimacy.

Today, the Cyprus problem continues to be one of the most critical in the

international arena. In his 2000 State of the Union address, the President labeled it one of his key foreign policy concerns. Numerous attempts have been made to find a peaceful resolution to the issue but so far all have foundered because of the irrational intransigence of Turkey.

Relations with the European Union have also been affected by this dispute.

Cyprus is in the group of applicants that are furthest down the path to entry into the European Union. While it recognizes the legitimate government of Cyprus, the EU has refused to negotiate with Northern Cyprus as a separate entity. They have also stated that Cyprus' accession is not contingent on a resolution of the territorial dispute. If the dispute over Cyprus is not resolved, Cyprus will accede into the European Union and Northern Cyprus will see the great economic disparity that already exists between the two regions widened.

Throughout the occupation, the United Nations has been trying to encourage a solution to the Cyprus problem. U.N. Secretary General Kofi Annan has sponsored proximity talks between the President of Cyprus, Glafcos Clerides, and Rauf Denktash, the self-proclaimed leader of the Turkish part of Cyprus. The third round of talks started this month. For these talks to be successful, there will have to be significant movement on the part of the Turkish Cypriots.

The solution that has been endorsed by the United Nations, by the European Community and by the United States is the formation of a bizonal, bicommunal federation. Unification with Turkey is not an option and neither is the status quo.

Two weeks ago, I wrote a letter to President Clinton co-signed by 231 of my colleagues and 81 Senators encouraging him to give his utmost attention and involvement to the third round of proximity talks. I hope that the President and the administration will give these talks the close attention they deserve.

Cyprus, Mr. Speaker, belongs to all Cypriots, whether they are of Turkish or Greek descent. America has a duty to the people of Cyprus and to itself to push for a peaceful and permanent resolution to the Cyprus problem. I hope it is a duty that we will discharge to the very fullest of our ability.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

# COMMEMORATION OF THE 26TH ANNIVERSARY OF TURKISH IN- VASION OF CYPRUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. Maloney) is recognized during morning hour debates for 4 minutes.

Mrs. MALONEY of New York. Mr. Speaker, once again, as I have every year that I have been a Member of Congress, it is my distinct honor and privilege to commemorate the 26th anniversary of the 1974 illegal Turkish invasion of Cyprus. Over 77 members of the Hellenic Caucus join me in the spirit of remembering this important illegal date.

The continued presence of Turkish troops represents a gross violation of human rights and international law. Although the President has only a little more than 6 months remaining in office, he has a golden opportunity to once and for all help resolve the problem of reuniting Cyprus.

Since their invasion of Cyprus in July of 1974, Turkish troops have continued to occupy 37 percent of Cyprus. This is in direct defiance of numerous nations' resolutions and has been a major source of instability in the eastern Mediterranean, but recent events have created an atmosphere where there is now no valid excuse for not resolving this long-standing, thorny problem. However, this cannot happen without the committed and sustained U.S. leadership.

More than 20 years ago, in 1977 and 1979, the leaders of the Greek and Turkish Cypriot communities agreed to work together to establish a bicomunal, bizonal federation to replace the unitary government created under the 1960 constitution. Even though this agreement was codified in U.N. Security Council resolution 939 of July 14, 1994, there has been no action on the Turkish side to fill in the details and once and for all have a final agreement. Instead, for the last 26 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey. It has also meant the financial decline of the once rich northern part of Cyprus to just one quarter of its former earnings.

As my colleagues know, this conflict reached a low point after the European Union summit of December 1997 when Cyprus was invited to participate in accession negotiations while Turkey was deemed not yet ready. But since then, we have seen several positive steps towards peace. First in December, the European Union formally invited Turkey to become a candidate. Then President Clinton made it clear, and he made a clear statement to Turkish President Ecevit that a resolution of the Cyprus problem could not involve a return to pre-1974 conditions. Most recently, we saw a thawing in Greek-

Turkish relations resulting from the earthquake diplomacy in which each country gave assistance to the other during the tragic earthquakes last August and September.

With these developments, there is now no valid reason for the Turkish side to resist direct and serious negotiations on all issues during the continuation of meetings in Geneva. The U.S., the EU, Greece and Cyprus have all acted to accommodate Turkish concerns but it remains to be seen whether Turkey will put pressure on Denktash to bargain in good faith. And make no mistake about it, if Turkey wants the Cyprus problem resolved, it will not let Denktash stand in the way. We cannot let one person dictate Turkish Cypriot policy.

## REMEMBERING THE KOREAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, 50 years ago this month, without warning or provocation, hundreds of thousands of North Korean troops invaded South Korea, pouring across the 38th parallel and precipitating the Korean War. Unprepared South Korean, or ROK, forces and the handful of Americans on the ground were incapable of halting this swift and brutal assault. In a matter of days, the badly battered U.S. and ROK units had been pushed back to a tiny toe-hold on the southern tip of the Korean Peninsula.

It was only with determination and unbelievable courage that American forces, together with South Korean and allied troops, were able to push back the attacking North Korean Army. The break-out of the Pusan perimeter, the Inchon landing, battles like Pork Chop Hill and Heartbreak Ridge, the terrible fight against overwhelming odds at the frozen Chosin Reservoir, on these and countless other unnamed battlefields we beat back the invaders.

The Korean conflict reflected the absolute determination of the United States to halt the spread of tyranny and totalitarianism, but the cost was high. The war that North Korea started resulted in 39,000 U.S. deaths and over 100,000 wounded and severely undermined U.S. relations with Russia and China. It took decades for our South Korean ally to recover.

In the so-called Democratic People's Republic of Korea, the DPRK, there is certainly a very different and distorted interpretation of the events that occurred 50 years ago. Incredibly, according to the North Korean news agency, quote, "the U.S. instigated the ROK Army to start a surprise armed invasion of North Korea on June 25, 1950. It was commanded by the U.S. military advisory group," end of quote.

The newscast goes on to explain that in precipitating this unprovoked attack, the U.S. supposedly indiscriminately carpet bombed throughout North Korea.

Mr. Speaker, these lies from North Korea newscasts are not from some ancient historical record. No, this was the broadcast in the last several weeks. It is worth noting, Mr. Speaker, that this slanderous pack of lies was broadcast right after the recent historic meeting between South Korean President Kim Dae Jung and North Korean leader Kim Jong Il. It was broadcast the day after the United States had announced the delivery to North Korea of an additional 50,000 tons of grain. And about the same time that North Korea was reinventing history, Secretary of State Albright was announcing that North Korea is not a terrorist state or even a rogue state, but merely a state of concern.

This member points this out because of the recent changes in perception regarding North Korea. On the verge of collapse, the hermit kingdom is at least attempting to give the impression that it is reaching out to South Korea and to the West. If North Korea is in fact sincere in its peaceful overtures, that certainly would be a dramatic, positive development. However, it would be premature to assume that the DPRK has irrevocably reformed its behavior. It would be naive in the extreme to believe that a few gestures constitute a reversion of 50 years of violently confrontational behavior and terrorism, and it would be foolish to pretend that North Korea no longer deserves to be labeled as a terrorist state.

In recent days, a historic meeting has occurred between the North and South Korean leaders. Kim Dae Jung went to Pyongyang and promised to open the spigots of foreign assistance, although at the North's insistence, it is called economic cooperation. That is, the South gives and the North cooperates by accepting. In return, the North has promised to permit some long-awaited family reunions of those who have been torn from their families 50 years ago.

From a public relations standpoint, North Korea scored a remarkable victory. Kim Jong Il was described as cherubic in the New York Times and, amazingly, senior administration officials called him courageous and visionary. But the question remains, has Kim Jong Il and the totalitarian elite that rules North Korea made a commitment to peace? When one examines North Korea's record on weapons of mass destruction, missiles and support for terrorism, it is not at all clear that it has made a permanent commitment to peace.

Despite the 1994 Agreed Framework that was touted as capping the North Korean nuclear threat, there is ample evidence that Pyongyang continues to

pursue an undeclared nuclear program. An unclassified 1998 CIA report concludes that North Korea possesses between 6 and 12 kilograms of plutonium which it acquired before the Yongbyon nuclear reactor was shut down in 1995. This weapons-grade material has not been accounted for. In addition, press reports from publications such as *Jane's Intelligence Review* suggest the DPRK has continued its efforts to acquire uranium enrichment technologies. In 1998, a secret underground facility was discovered that certainly seemed like it was related to nuclear activities.

I hope that North Korea has made a change, Mr. Speaker, but we need to see exactly what it has done before we reach any new conclusions about its intentions.

According to the Congressional Research Service, Russian and former East German nuclear scientists are operating in North Korea.

In contrast to the time when the 1994 Agreed Framework was signed, North Korea seems on the threshold of being able to attack the United States with a missile that could deliver chemical, biological, or possibly nuclear weapons. It has produced, deployed and exported missiles to several countries of great concern to the United States. The DPRK has launched a three-stage (Taepo-dong 1) missile and continues to develop a larger, longer-range missile (the Taepo-dong 2). Not only does North Korea now possess a missile capable of reaching U.S. soil, but it is clear that it intends to sell such fully developed weapons systems to the highest bidder. According to a 1999 National Intelligence Estimate, "the proliferation of medium-range ballistic missiles—driven primarily by North Korean No Dong sales—has created an immediate, serious and growing threat to U.S. forces, interests, and allies, and has significantly altered the strategic balances in the Middle East and Africa."

While individuals in the Executive Branch argue that North Korea has agreed to halt its missile program, it is important to note that the North only has agreed to a moratorium on flight tests. Design, rocket motor tests, production, and sales to other so-called "states of concern" can continue.

It was just last week, at negotiations that took place between U.S. and North Korean officials, that the DPRK flatly refused to halt development of missiles. Instead, they made it clear that development of new and more capable missiles will continue. In addition, North Korea demanded \$1 billion to impose a "moratorium" on new missile exports. Unfortunately, this is all too typical of the North's pattern of threats and extortion.

North Korea insists that it is not a terrorist state, but its past and even recent actions certainly suggest otherwise. The DPRK has remained a haven for the terrorists of the Japanese Red Army faction. Pyongyang regularly has infiltrated training and resupply teams into South Korea and Japan. Other actions include border violations, infiltration of armed saboteurs and spies, hijacking, kidnapping, assassination, and threats against media personnel and institutions.

To finance these terrorist activities, North Korea uses counterfeit U.S. currency. Re-

cently a Japanese Red Army terrorist was caught while traveling in Southeast Asia with a North Korean diplomatic passport. This terrorist was carrying over \$100,000 in counterfeit currency. In short, Mr. Speaker, North Korea has not to date behaved like a country wishing to join the international family of nations.

Former Secretary of Defense William Perry, a truly outstanding public servant, was tasked with reviewing U.S. policy toward North Korea. He concluded that North Korea had two options. The first option would be the path of engagement. If the DPRK really sheds its rogue behavior, the United States should respond with a reduction of sanctions, and gradual extension of normal political and commercial activity. If, however, the DPRK chooses the path of confrontation, the Perry-recommended policy is that the United States and our allies must meet the North's aggressiveness with firmness, resolve, and military might. It must be clear that America would respond in that fashion.

Mr. Speaker, it is far too early to tell which path the DPRK will choose. It is possible that they will opt for peaceful engagement. America and South Korea obviously hope that it is the path the DPRK will choose, but we must end the cycle of extortion which the North has successfully pursued with the United States. One insubstantive summit meeting does not guarantee such a sea change in behavior. This nation must maintain its resolve to preposition 100,000 troops in the Asia-Pacific area, with 37,000 on the Korean Peninsula. We must resist the temptation to throw even more money at the North without demonstrable progress in reducing the threat. And, we must continue to aggressively pursue the development of ballistic missile defenses capable of defending this nation against the emerging ballistic missile threat—a threat made ever more immediate by the North Korean missile development program and its missile exports.

Mr. Speaker, this Member genuinely hopes that North Korea will one day become merely a "state of concern." But until this Member sees ample evidence to the contrary, he must continue to view North Korea as a "terrorist state" and to regard the Korean Peninsula as the place on the globe where American forces might again be attacked and a tragically costly war begun again.

#### ANTIBIOTIC RESISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I rise to sound the alarm about a silent war that is going on all over the world, the war between people and infectious diseases.

It is not a new war. Since humans first walked the earth, microbes have preyed on us and we have fought back. As recently as the 19th century, the average life span in Europe and North America was 50 years, and the likelihood of dying prematurely from infectious diseases was in most places as high as 40 percent.

With the widespread introduction in the 1940s of penicillin and other antibiotics, we thought we had won the war. Finally, we could cure a whole raft of infectious diseases that routinely took human lives across the whole span of a human lifetime, from infancy through the prime of life to old age.

A month ago, the World Health Organization issued a report that paints a comprehensive picture of the renewed danger we face from infectious diseases. Microbes are mutating at an alarming rate into strains that too often fail to respond to drugs.

Dr. Gro Harlem Brundtland, director general of the WHO, recently stated, we currently have effective medicines to cure almost every major infectious disease, but we risk losing these valuable drugs, and our opportunity to eventually control many infectious diseases, because of increasing antimicrobial resistance.

The report describes how around the world almost all infectious diseases are becoming resistant to existing medicines. In Estonia, Latvia, and parts of Russia and China, over 10 percent of tuberculosis patients have strains resistant to the two most powerful TB medicines. Because of resistance, Thailand has completely lost the means of using three of the most common anti-malaria drugs. In New Delhi, typhoid 10 years ago could be cured with three inexpensive drugs, but now these drugs are largely ineffective. A small but growing number of patients are already showing primary resistance to AZT and other new therapies for HIV-infected people.

Patients admitted to hospital wards are especially vulnerable. In the U.S., some 14,000 people become infected and die every year from drug-resistant microbes to which they were exposed in hospitals. As many as 60 percent of infections around the world acquired in hospitals are caused by drug-resistant microbes.

In the U.S., overuse of the antibiotics is a key cause of resistance. The more frequently that microbes are exposed to these drugs, the more quickly they develop defenses against them. Patients are demanding and physicians are prescribing drugs for conditions that simply do not require antibiotics.

Overuse of antibiotics in the agricultural sector is also contributing to the resistance problem in a big way. Livestock producers use antibiotics to treat sick animals, as they should, but they also use antibiotics to promote more rapid weight gain in healthy animals. Many of the antibiotics used in livestock are also used in humans, including tetracycline and penicillin. In farm animals, prolonged exposure to antibiotics provides a breeding ground for resistant strains of salmonella, *E. coli*, and other bacteria which are harmful to people. When transferred to people



through the food chain, these bacteria can cause dangerous infections that are resistant to drugs.

Antibiotic use in livestock is causing resistance in large part because of the sheer volume of antibiotics used in the farm for subtherapeutic purposes, not treating ill animals but making livestock put on weight more rapidly so they are ready for market more quickly.

Forty percent of all antibiotics manufactured in the United States are given to animals. Eighty-eight percent of all antibiotics used on-farm are used subtherapeutically, just for weight gain.

Among hogs, 93 percent receive antibiotics in their diets at some time during their quote/unquote grower/finisher period.

The medical community has been raising concerns about antibiotic use in livestock for decades. Thirty years ago, the Swann Committee in the United Kingdom concluded that antibiotics used in human therapy should not be used as growth promoters in animals. Since that time, mounting scientific evidence has pointed to the dangers of overusing these precious drugs in livestock. It is time, Mr. Speaker, to take a close look at antibiotic use in agriculture, and take decisive action to protect people from resistant microbes that move through the food chain, from animals to our young children to our oldest citizens and to all of us.

#### THE POSSIBILITY EXISTS TO REDUCE OUR NATIONAL DEBT AND OUR ANNUAL INTEREST PAYMENTS BY BILLIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, does one believe it would be possible to reduce our national debt by \$500 billion and to reduce our annual interest payments by \$25 billion, with no harm to anyone, nor to any program? Sounds too good to be true but it is possible, and it is simple.

Most people have little knowledge of how money systems work and are not aware that an honest money system would result in a great savings for the people. We really can cut the national debt by \$500 billion and reduce our Federal interest payments by \$25 billion per year. It is an undisputable fact that Federal Reserve notes, that is our circulating currency, is issued by the Federal Reserve in response to interest-bearing debt instruments. Thus, we indirectly pay interest on our paper money in circulation. Actually, we pay interest on the bonds that back our paper money, that is, the Federal Re-

serve notes. This unnecessary cost is \$100 each year to each person in our country.

The Federal Reserve obtains these bonds from the banks at face value in exchange for the currency, that is the Federal Reserve notes, printed by the Bureau of Engraving and Printing and given to the Federal Reserve without cost.

The Federal Reserve appears to pay the printing costs but in fact the taxpayers pay the full cost of printing our Federal Reserve currency. The total cost of the interest is roughly \$25 billion, or about \$100 per person in the United States. Why are our citizens paying \$100 per person to rent the Federal Reserve's money when the United States Treasury could issue the paper money exactly like it issues our coins? The coins are minted by the Treasury and essentially sent into circulation at face value.

The Treasury will make a profit of \$880 million this year from the issue of 1 billion new gold-colored dollar coins. If we use the same method of issue for our paper money as we do for our coins, the Treasury could realize a profit on the bills sufficient to reduce the national debt by \$500 billion and reduce annual interest payments by \$25 billion.

Federal Reserve notes are officially liabilities of the Federal Reserve, and over \$500 billion in U.S. bonds is held by the Federal Reserve as backing for these notes. The Federal Reserve collects interest on these bonds from the U.S. Government and then returns most of it to the U.S. Treasury. Thus, it is a tax on our money that goes to the United States Treasury, a tax on our money in circulation.

Is there a simple and inexpensive way to convert this costly, illogical, convoluted system to a logical system, which pays no interest directly or indirectly on our money in circulation? Yes, there is.

Let me present two alternatives to accomplish it. First, plan A. The Nation's Treasury prints and issues United States Treasury currency in the same denominations and the same amounts as the present Federal Reserve notes. Because the new U.S. currency would be issued into circulation through the banks to replace or exchange for the Federal Reserve notes, there would be no change in the money supply. The plan would remove the liability of the Federal Reserve by returning to the Federal Reserve the Federal Reserve notes in exchange for the \$500 billion in interest-bearing bonds now held by the Fed. Then because the liability is lifted, the Federal Reserve returns the bonds to the U.S. Treasury. The Nation would thus have a circulating currency of United States currency, United States Treasury currency, or U.S. notes, bearing no debt nor interest.

The national debt would be reduced by \$500 billion and annual interest payments reduced by over \$25 billion. The easiest way we can save our taxpayers \$25 billion.

Possible drawbacks of plan A. Our currency circulates worldwide and it would be impossible to find and exchange all that currency and in addition the cost of printing all the new paper money would be huge. So we have plan B, the best solution. Congress merely must pass a law declaring Federal Reserve notes to be official United States Treasury currency, which would continue to circulate as it is now.

The Federal Reserve, now freed from \$500 billion liability, simply returns their U.S. Treasury bonds which back the Federal Reserve notes to the United States Treasury. This reduces the national debt of the United States by \$500 billion and reduces interest payments by over \$25 billion annually.

#### TWENTY-SIXTH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Nevada (Ms. BERKLEY) is recognized during morning hour debates for 1 minute.

Ms. BERKLEY. Mr. Speaker, I rise today to acknowledge the 26th anniversary of Turkey's invasion and occupation of Cyprus. Today an estimated 35,000 heavily armed Turkish troops continue to occupy 37 percent of the island. If a solution is ever to be achieved, it is essential that all decisions and pronouncements of the international community be fully implemented. It is my hope that the United States Congress will continue to firmly support the people of Cyprus by urging Turkey to comply with the resolutions of the United Nations and to work instructively for a solution. It is imperative that we take all necessary steps to actively support efforts to end the forcible division of the island and its people and to unify Cyprus through a just and lasting solution.

Twenty-six years of occupation are enough. Twenty-six years of occupation are 26 too many. It is time to end the occupation now.

#### THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, this morning I would like to use this opportunity to congratulate the American people on a remarkable achievement. We are now 112 months into the current economic expansion, the greatest period of prosperity ever. Thanks to the

innovation and hard work of everyone in this Nation, we have built a \$9.4 trillion economy. Just to put this in perspective, 112 months of continued economic growth. This economic expansion has lasted for over 9 years, starting during the Bush administration in April of 1991. The roots of this era of prosperity, however, reach further back, to 1991.

Michael Cox, an economist with the Dallas Federal Reserve Bank, traces this unprecedented expansion even further back, a total of 18 years. Since 1982 the U.S. economy has benefited from continued growth for all but 6 months in this 18-year period. That is right, over the last 205 months the economy has been in a slump for only 180 days.

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Now, many of us believe the architect of this expansion, this incredible economic force, was President Ronald Reagan. So we ask, why?

Reagan pushed the idea of reducing taxes. He reduced the taxes from a top rate of 70 percent, and we forget about that today, down to 28 percent. He initiated stability of the currency and monetary policies; and the inflation rate was 15 percent and he brought it down to 3 percent in 1986, and then he launched deregulation of the energy, gas, transportation industries. Many of us believe this unleashed the creativity of the American people by allowing them to keep more of what they earned and saved.

What are the fruits from this dynamic reduction in taxes? It has been announced recently, yesterday, that the Federal Government is forecasting a \$4.6 trillion budget surplus over the next 10 years. This year, the Federal budget surplus will be the largest ever, \$224 billion. That is 2.4 percent of our Nation's total economic output.

Mr. Speaker, these surpluses have helped us to pay down the national debt by \$140 billion over the past 2 years, and by a total of \$400 billion by the end of this year. We are on a pace with our plan to eliminate the public debt by the year 2013. However, we should not forget the source of these dollars.

The fact that we are running surpluses is one thing, but the fact is, the American people are being overcharged. Over the next decade, the people of this Nation could end up paying \$4.6 trillion more in taxes than the Government needs. That amounts to an overcharge of \$14,000 for every man, woman and child in this country. If we do the math, that turns out to be \$56,000, and I assume every family out there would rather have this \$56,000 than to give it to the United States Government.

Mr. Speaker, only 4 months ago, the total surplus projected for the next 10 years stood at \$2.9 billion. Interest-

ingly, this revised increase of \$1.3 trillion alone would be more than enough, more than enough to cover the tax cuts vetoed by the President last year and the \$500 billion tax cut presented by the Vice President this year, combined. This newly anticipated windfall also would be enough for the tax cuts advocated by Governor George Bush of Texas.

Does this mean that the whole \$4.6 trillion should be earmarked for tax relief? No, I am not saying that. Mr. Speaker, \$2.3 trillion of this surplus is expected to come from Social Security taxes, and those dollars should be set aside to meet the needs for older Americans. That is why the Republicans created a lock box to protect the Social Security surplus. However, Mr. Speaker, that leaves almost \$2.2 trillion in non-Social Security surpluses; and a portion of that, I believe, should go to the rightful owners.

As I mentioned, this year's surplus will run about \$220 billion. Recently, we voted to end the death tax, a measure that the President has threatened to veto. This death tax raised \$23 billion in 1998, one-tenth of the 2000 surplus. We recently voted to reduce the tax penalty on married couples. The cost of making the Tax Code more fair for families is \$182 billion over 10 years. That is less than this year's surplus alone. Again, the defenders of big government say we cannot afford this.

Mr. Speaker, I know the American people can spend their own money more wisely than the Government can spend it. We trust our citizens to vote to raise a family and to serve on juries; let us allow them a portion of their surplus, and I believe they will be better off.

#### ANNIVERSARY OF TURKISH INVASION OF CYPRUS

THE SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 1 minute.

Mr. MCGOVERN. Mr. Speaker, 26 years ago on July 20, Turkey invaded Cyprus. I will enter into the RECORD at this time the statement on developments this year to resolve the human rights and political crises resulting from that illegal invasion.

Mr. Speaker, in the almost 26 years of the division and occupation of Cyprus, many consider the next few months to be the best opportunity to bring about a Cyprus solution. Many developments have brought us to this moment of caution and hope.

On December 3, 1999, proximity talks on the Cyprus problem were held for the first time in over two years. During the week of December 3–14, 1999, United Nations Secretary General Kofi Annan and U.N. Special Advisor on Cyprus Alvaro de Soto had a series of separate meetings in New York City with Cyprus

President Glafcos Clerides and Turkish-Cypriot leader Rauf Denktash.

Both sides laid out their position on the four core issues identified by the Secretary General: security, territory, separation of powers, and property. The completion of this first round of proximity talks and the agreement of the two sides to keep talking was widely praised and raised hopes that the climate may be shifting towards a concerted effort for a comprehensive settlement.

A second round of talks took place in Geneva, Switzerland from January 31st through February 8th, 2000. During this round, the two sides explored in greater depth the range of issues and prepared the ground for meaningful negotiations.

Shortly thereafter, during the period of February 28th through March 1st, U.N. envoy Alvaro de Soto traveled to Cyprus for a familiarization visit. Mr. de Soto had a full program of meetings on both sides of the divide—in the southern, government-controlled areas of the Republic, and in the northern part illegally occupied by Turkey since its invasion in 1974. The visit also took de Soto across the U.N. controlled buffer zone to observe peace-keeping operations.

I would like to say a few words about Alvaro de Soto, a diplomat who I know well. On behalf of the United Nations, Mr. de Soto successfully facilitated negotiations between the two warring parties in El Salvador's civil war. These were not easy negotiations: the differences and conflict between the two parties had a history going back decades and were of much longer standing than just 12 years of armed conflict. Tens of thousands of civilians had been murdered during the war. And hundreds of others had disappeared. I quickly learned to respect and admire Mr. de Soto's diplomatic skills, his patience, and his understanding and ability to distinguish between those issues which must not be compromised and those that might be more easily brokered between the two parties if a lasting peace were to be secured. I was most impressed by his integrity and commitment to achieve a lasting peace, one that would bring real peace to a long-suffering civilian population. While I believe the Cyprus conflict is, in many ways, more difficult and intractable than El Salvador's, I have greater hope that a solution may be negotiated because of Alvaro de Soto's involvement in identifying core issues and steps that might lead to a successful agreement.

Earlier this month, the parties met with Alvaro de Soto, again in Geneva, to continue proximity talks. Those discussions adjourned on July 12th and will resume on July 24th. They will proceed until early August and resume again in New York City at the United Nations on September 12th. We are all disappointed that Turkish Cypriot leader Denktash interrupted the process and left the talks to return for the Turkish Cypriot celebration of the July 20th invasion of Cyprus. I remain hopeful, however, that continued international interest in and pressure for a negotiated settlement will result in a return of good faith efforts by all parties to move the agenda forward when talks resume on July 24th.

The international community has been consistent throughout the past quarter century in

expressing its support for a unified Cyprus. Over the past several months, it has been particularly forceful in expressing its support and desire for successful proximity talks leading to a comprehensive negotiated settlement. These include strong statements from the European Union, leaders of the G-8 nations, the United Nations Security Council, the Clinton Administration and the U.S. Congress.

The people of Cyprus have suffered too long. A lasting and comprehensive solution, one based on international law and democratic principles, can and must be negotiated.

Twenty-six years ago, on July 20th, Turkey invaded Cyprus. As a result, an estimated 35,000 heavily armed Turkish troops continue to occupy 37 percent of Cyprus' territory.

I hope that this year, the beginning of the new millennium, a new anniversary will be created. It will be the year when the breakthrough happens and the people of Cyprus are blessed with peace, security, reconciliation and a single democratic sovereignty.

#### COMMEMORATING THE ANNIVERSARY OF THE OCCUPATION OF CYPRUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. GILMAN) is recognized during morning hour debates for 5 minutes.

Mr. GILMAN. Mr. Speaker, today we are observing a tragic occasion, the invasion of Cyprus by Turkish troops. I commend the gentleman from Florida (Mr. BILIRAKIS) who has, over the years, made certain that the House does not fail to observe the events of July 1974, the tragic consequences of which still persist today, more than a quarter of a century later.

The occupation of northern Cyprus by Turkish troops which began some 26 years ago has turned into one of the most vexing problems of the international community, confounding the efforts of five presidents, four U.N. Secretaries General, and many of the world's top diplomats, including our own.

Late last year, we finally saw the first faint signs of hope when Rauf Denktash, a Turkish Cypriot leader, decided after more than 2 years of stonewalling, to agree to participate in U.N.-sponsored proximity talks with President Clerides, the Greek Cypriot leader. A few days ago, the third round of those talks resumed in Geneva. Although they have recessed until later this month, the good news is that they are going to continue, and further rounds for the fall of this year are also scheduled.

But mere talks alone do not achieve any resolution of this issue. We need to see substantive discussions with real progress being made.

It is gratifying that this summer, we have had two young people from Cyprus serving as interns with our Committee on International Relations. They have given their personal view-

point, providing some convincing evidence to us that a resolution of the Cyprus problem is very possible, if sufficient political will is brought about by both sides. Greek Cypriot President Clerides has over the years demonstrated that kind of will. We must, therefore, look to Mr. Denktash and to Ankara. There is, thankfully, a new dynamic at play, which is the European Union's accession talks with Cyprus and the prospective candidacy for EU membership that was extended to Turkey by the EU just late last year.

Membership in the European Community is now at hand for Cyprus; and with all of that, it entails cementing a peaceful and prosperous future for the Cypriot people. Likewise, Turkey, in order to demonstrate its own commitment to the peaceful democratic values that lie at the core of the European Union, must decide whether it wants to play a positive role in resolving the Cyprus dispute, or a divisive one.

Mr. Speaker, when I first came to the Congress some 28 years ago, Cyprus was one of the first international crises in which I became involved as a member of our Committee on Foreign Affairs, as it was then labeled. It is one of the most frustrating facts that I have faced as I look back on that now, after a quarter of a century during which we have seen the collapse of communism in Europe, greater peace in the Middle East, a possible settlement in Northern Ireland, and conflicts resolved in the Balkan tinderbox, but no movement on Cyprus.

Accordingly, we call upon our State Department and our President to continue to place the highest priority on working with the Turkish Government and all parties in Cyprus to produce results in this ongoing U.N. negotiation.

I have conferred with our special envoy to Cyprus, Al Moses; and I know that he is committed to achieving success, but he needs to have the continued backing of high officials, including our President. With such support, I am confident we can produce the outcome that we have all been seeking for so long, a reunified Cyprus and a peaceful and prosperous future for all of the Cypriot people.

#### TURKEY AND CYPRUS: THE TIME FOR PEACE IS NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. FILNER) is recognized during morning hour debates for 1 minute.

Mr. FILNER. Mr. Speaker, I thank the distinguished chairman of the House Committee on International Relations for his statement and for his long-standing support and leadership in educating us all on this issue.

I rise today to join him and other colleagues, the gentleman from New Jersey (Mr. PALLONE), who will follow,

in acknowledging this tragic invasion of Cyprus by the government of Turkey.

We are here, as we heard the Chairman say, for the 26th anniversary of the hostile assault on Cyprus which unlawfully led to the declaration of independence by the Turkish Cypriots.

Mr. Speaker, time and time again, Turkey has violated international law, imposing a systematic campaign of harassment and intimidation in the occupied areas. This has led to severe problems such as internally displaced refugees, violations of human rights, and the disappearance of over 1,400 Greek Cypriots.

Mr. Speaker, Turkey is our ally. We give them military aid and other forms of assistance. It is about time that we demanded that this ally comply with the United Nations and end this deplorable crisis.

The time for peace is now.

#### THE BEST OF TIMES AND THE WORST OF TIMES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 2 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is the best of times and the worst of times.

In 1993, it was somewhat the worst situation in this country in terms of overspending and debt. We had a \$250 billion deficit every year, as far as the budgeters could project. Earlier this year in January, CBO and OMB predicted there was going to be a \$26 billion on-budget surplus next year—a \$28 billion surplus this year. Yesterday, they predicted a tremendous increase in tax revenues, almost three times the amount in terms of on-budget surplus this year for an estimated \$84 billion. Next year, they are projecting \$102 billion surplus. Our economy has been growing now for 18 years—steadily for the last 10 years.

But remember, back in 1993 the Clinton administration and the Democrats made a decision that we should increase taxes in order to have deficit reduction. They passed the largest tax increase in history, \$250 billion. As it turned out, half of that money was used to expand domestic social program spending. The other half used to reduce borrowing.

If the goal of that huge tax increase was to have a smaller deficit and now we are looking at a projection of \$4.6 trillion to \$5.6 trillion surplus over the next 10 years with the unified budget, it is time to give back some of that tax increase. Let us reduce that 4.3 cent gas tax increase passed. Let us rescind and reduce the extra Social Security tax that was also part of that 1993 tax increase.

And of course the President pushed for and got an increase in the income tax going to a new top rate of 39.6 percent, increased the death tax, and increased the payroll tax on workers.

It could help make this the best of times for the American people during these times of huge surpluses, by repealing some of those tax increases that the other side of the aisle along with Mr. Clinton and Mr. GORE got passed in 1993.

#### RENEWING U.S. COMMITMENT TO CYPRUS IN THEIR QUEST FOR PEACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, as my colleagues have mentioned this morning, July 20 will be the 26th anniversary of the illegal Turkish invasion of Cyprus. Although two rounds of U.N.-sponsored proximity talks between the Cypriot and Turkish sides have been completed in recent months, the Turks are casting the shadow of failure over the negotiations by employing provocative and destabilizing behavior.

For example, the current round of proximity talks have been temporarily suspended by the Turkish Cypriot leader so he could fulfill his stated intention to postpone discussions in order to attend the so-called "Peace and Freedom Day" on July 20 in the Turkish-occupied area of Cyprus. This action sends an unmistakable message that the Turkish side is not taking the current proximity talks seriously. Rather, the Turkish side is just spinning its wheels.

Should the current round of talks end up as all previous efforts have in the last 26 years, the United States should be prepared to act forcefully. In the last 2 years or so, there have been a number of initiatives that both the international community, and the Cypriots have taken to try and jump-start this decades-old problem and make the environment more fertile for a negotiated peaceful settlement. Turkey should be held accountable by the United States if it purposefully undermines these efforts.

In December of 1998, the U.N. Security Council passed resolutions 1217 and 1218. The former, Mr. Speaker, reaffirmed that any settlement be based on the federated bi-zonal, bi-communal framework. The latter called for the Secretary General to work with the two sides to reduce tensions and arms on the island, a position consistent with the Cypriot government's offer to demilitarize all of Cyprus, an offer that has been rejected by the Turks. The United States supported both of these measures.

Following the passage of these two resolutions, the Cypriots unilaterally decided not to deploy the S-300 anti-missile system they were considering deploying in an effort to give legs to the U.N. Security Council resolutions.

Attempting to build on this momentum, in June of 1999, the group of eight industrialized nations, or G-8, urged the U.N. to invite the two sides' leaders to begin peaceful negotiations without preconditions in the fall of 1999. The U.N. Security Council in turn passed two more resolutions, 1250 and 1251, reaffirming its support for negotiations under the bi-communal, bi-zonal federation framework and requesting that such negotiations move ahead.

These events did, in fact, lead to the onset of negotiations in December of 1999. Despite the U.N.'s call for negotiations without preconditions, however, the Turkish side came to the table insisting that a number of unrealistic conditions be met before real discussions could occur.

The negotiations, Mr. Speaker, are expected to resume on July 24. While the U.N. and the United States should do whatever it takes to facilitate continued negotiations, the U.N. and the U.S. should also take note of the manner in which the Turkish side is conducting itself.

Mr. Speaker, for 26 years now, the people of Cyprus have been denied their independence and freedom because of a foreign aggressor. I urge all of my colleagues to join me in remembering what the Cypriot people have suffered and continue to suffer at the hands of the Turks. I also urge my colleagues to join me in pressuring the administration to focus American efforts to move the peace process forward on the Turkish military, which has real and substantial influence on decision-making in the Turkish Government. If and when the Turks undermine yet another peace effort, the U.S. should instantaneously do what I have been calling for for years, punish Turkey by making drastic and immediate changes to our relationship with Ankara.

As the Turks interrupt peace negotiations to celebrate their brutality as Cypriots mourn their dead and all they have lost, the United States must let the people of Cyprus know that we will have freedom and independence again and that we will help them attain it.

Mr. CAPUANO. Mr. Speaker, on July 20th 2000, we will mark the 26th anniversary of Turkey's invasion of the sovereign State of Cyprus. It was on this date in 1974, Turkish troops began a campaign of terror. During the Turkish invasion, nearly 200,000 Greek Cypriots were forced to flee their homes in the northern part of the island of Cyprus. After twenty-five years, Greek Cypriots are still prohibited from returning to their homes and remain refugees within their own country.

Over 1,400 men, women and children who vanished during the invasion have not been accounted for, and the Turkish government

continues to refuse to provide information as to their whereabouts.

During these 26 years of occupation, Turkey has relocated some 80,000 Turkish citizens to Northern Cyprus, thus changing the demographic structure in the north. Most of the homes and land that have been reoccupied by Turkish citizens were once the homes of Greek Cypriots who were evacuated during the invasion. Historical institutions of cultural and religious heritage, including archaeological sites and churches, have been pillaged and in many cases completely destroyed.

Tragically, there are only 500 Greek Cypriots still living in the occupied area, and even those few families are subject to constant and systematic campaigns of harassment and intimidation. In some instances, they are forbidden to travel and attend school, clearly being denied of their basic rights.

In 1983, Turkey encouraged a "unilateral declaration of independence" by the Turkish Republic of Northern Cyprus (TRNC). This declaration was condemned by the U.N. Security Council, as well as the U.S. government. Consequently, the U.N. Security Council called for Turkey to withdraw from Cyprus immediately. To date, the TRNC is not officially recognized as a sovereign State by any country except for Turkey.

In June of 1999, the European Commission of Human Rights found Turkey responsible for continuing to violate several provisions of the European Convention of Human Rights, including not accounting for missing persons, limiting the living conditions of the enclaved, and failing to protect the properties of the displaced person.

Despite the continuing efforts on behalf of the U.S. and the international community to negotiate a peaceful settlement, 35,000 heavily armed Turkish troops continue to occupy more than one-third of the island. Turkey had previously thrown a wrench in the peace talks by advocating two preconditions: first, prior recognition of the TRNC, and second, Cyprus withdrawing its EU membership application. Fortunately, through international pressure and diplomatic maneuvering, a new round of proximity talks were undertaken without implementation of these conditions. The first of which took place in December 1999 under U.N. auspices, and the most recent talks commenced on July 5th in Geneva.

Mr. Speaker, I reiterate my argument from last year that the continued occupation of Northern Cyprus is clearly an affront to countless U.N. resolutions calling on Turkey to withdraw its forces and return all refugees to their homes, and for Turkey to respect the sovereignty, independence and territorial integrity and unity of the Republic of Cyprus. This is an insult to the United States and the global community which has worked tirelessly to unify Greek and Turkish Cypriots in a peaceful manner.

I hope that the U.S. and the international community will continue to advocate for this new round of proximity talks and fervently work to find a peaceful solution to this conflict that has torn Cyprus apart and caused 26 years of suffering for thousands of families.

Mr. BLAGOJEVICH. Mr. Speaker, I rise to denounce the illegal occupation of Cyprus by Turkey. Twenty-six years ago today, the Turkish military invaded Cyprus, driving 200,000

people from their homes. Since then, the Turkish military has continued to occupy a third of the island, in defiance of international law. During this time, nations around the globe have sent the clear, unequivocal message that the Turkish occupation of Cyprus is patently illegal and must end.

Nonetheless, Turkey continues to defy the international community, engaging a deliberate strategy to change the ethnic composition of Northern Cyprus. Since forcing out the Greek Cypriot population from the occupied area, Turkey has settled thousands of Turks from Anatolia in Northern Cyprus in a blatant attempt to prevent the return of the native Greek Cypriot population.

The recent talks held in Geneva provide a glimmer of hope that those forced out of Northern Cyprus by the Turkish invasion may finally be able to return home. But the world community will be watching carefully. There have been too many false starts, too many dashed hopes, for the Greek Cypriot refugee population to be convinced that peace is finally at hand.

In this dispute, the United States has played a positive role in bringing the parties to the table to begin their discussions. But now the United States must go further. We must clearly say to Turkey that it is time to bring the Cyprus dispute to an end. This can only happen when the Turkish military leaves Cyprus, and lets Greek and Turkish Cypriots settle their own disputes in the context of a free, unified, and democratic Cyprus.

Mr. CROWLEY. Mr. Speaker, it is with great sadness that I rise today to recognize the 26th anniversary of Turkey's tragic invasion of Cyprus.

Cyprus gained independence from Great Britain in 1960 but its success as a new republic only lasted until 1963. After years of turmoil and violence between the majority of Cypriots of Greek ethnic origin and the minority of Cypriots of Turkish ethnic origin, Turkish troops invaded the island in 1974. Over 1,400 Greek Cypriots have been missing since the Turkish invasion and all remain unaccounted for. Today, Turkish troops continue to occupy 37 percent of Cyprus' territory.

The invasion led to the widespread displacement of the Cypriot population and to numerous related refugee and property problems. Nearly 200,000 Greek Cypriots were forcibly evicted from their homes and became refugees in their own country.

Over the last three decades, Turkish authorities in Cyprus have waged a ceaseless campaign of systematic harassment and intimidation of Greek Cypriots. The flagrant human rights abuses by Turkey have been condemned repeatedly by international authorities.

Turkey is a member of NATO and an ally of the United States. We should use all of our influence to further a negotiated settlement in Cyprus and support the United Nations in its efforts to do so. Applications by the Republic of Cyprus and Turkey to become full members of the European Union may present a fresh opportunity to resolve the conflict. Let us take this chance.

My fellow colleagues, I urge your continued support for the people of Cyprus. I also join my colleagues in encouraging President Clin-

ton to continue his efforts to promote peace in Cyprus during his last months in office.

After 26 years of forcible division it is high time to take firm steps to reach a peaceful settlement of this ongoing conflict.

Mr. PORTER. Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentlelady from New York (Mrs. MALONEY) for organizing today's commemoration.

It saddens me greatly that again we are remembering the Turkish invasion of Cyprus, instead of celebrating a united island and a resolution to the Cyprus problem.

Twenty-six years ago, on July 20th, 1974, over 6,000 Turkish troops and forty tanks landed on the north coast of Cyprus and heavy fighting took place. Turkish troops pressed on to the capital city of Nicosia, where the heavy fighting continued. By the time a cease fire had been arranged on August 16th, Turkish forces had taken the northern one third of the country. Throughout the battles and subsequent occupation, there were extensive tales of atrocities, abductions, rapes and executions. It was only as those abducted or taken prisoner of war began to filter back to their homes after the cease fire that it became apparent that hundreds were missing.

Nearly 200,000 Greek Cypriots, who fell victim to ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country. More than a quarter of a century later, the Turkish occupation still prevents them from returning to homes which have been in their family for generations.

35,000 Turkish troops have occupied northern Cyprus since the summer of 1974. During this time, Turkey's government has shown what it is that it is not a democracy. It is a military dictatorship in which the generals allow only as much democracy as they want. The Turkish government continues to support the illegal occupation of Cyprus, while also continuing to persecute its Kurdish population, and to spurn normal relations with Armenia.

However, today, for the first time I do see the potential for the resolution of this conflict. Not only have Presidents Denktash and Clerides recently engaged in the third round of U.N. sponsored talks, Turkey's candidacy for the European Union creates a new urgency for a solution to be found for this situation.

I want to encourage these talks to continue and for the Clinton Administration to support them in every way possible. After twenty-six years of division, it is imperative that the United States and United Nations take all steps to support the efforts to bring an end to the forcible division of the island and its people.

Mr. MARTINEZ. Mr. Speaker, I join my friend, the distinguished gentleman from Florida, and my colleagues in commemorating the 26th anniversary of Turkey's military invasion and continued illegal occupation of northern Cyprus.

Twenty-six years have passed since Turkey illegally invaded the northern part of Cyprus. On July 20, 1974, Turkey launched a full scale invasion on Cyprus, forcing more than 200,000 Greek Cypriots from their homes. To this day, these refugees are prevented from returning to their homes by the Turkish Army. Turkey's bloody invasion of this Mediterranean island state has been rightfully condemned by

the United Nations and all peace loving nations of the world.

Later on this month, Greek Cypriot President Glafcos Clerides and Turkish Cypriot leader Rauf Denktash will meet again in Geneva. I hope that this meeting will lead to a constructive outcome, but this can only occur if Mr. Denktash is willing to meet President Clerides halfway. Mr. Denktash must be willing to negotiate in good faith. Only when these two Cypriot leaders meet in good faith will there be a resolution to the Cypriot problem.

Mr. Speaker, the 26th anniversary of Turkey's cruel invasion of northern Cyprus should weigh heavily on the conscience of all civilized people of the world who share in the underlying principle that military aggression must not prevail.

Mr. Speaker, the status quo must be broken. The paralysis in U.N. sponsored negotiations must be broken. And the intercommunal strife that has torn Cypriots apart must be settled peacefully. But none of these worthy objectives can occur as long as Turkey continues to violate international law and flout U.N. resolutions condemning its oppressive occupation of 40 percent of Cypriot territory.

It is indeed a sad testament to Turkey's intransigence that more than a quarter of a century after its invasion of northern Cyprus, its troops still occupy a third of Cyprus. Turkey must realize that its military occupation stands as an obstacle to a just and permanent solution of the Cypriot problem.

Mr. Speaker, a permanent solution to the Cypriot impasse must take into consideration the anxieties and legitimate concerns of both Greek and Turkish Cypriots. However, the first step toward reconciliation and peaceful reunification must be the end of Turkey's illegal occupation of northern Cyprus.

Mr. TIERNEY. Mr. Speaker, I rise today in commemoration of the 26th anniversary of the Turkish invasion of Cyprus. As a member of the Congressional Hellenic Caucus, I look forward to a day when peace comes to the region and we no longer have to come to the floor each year and remind the world that this occupation continues.

26 years ago, nearly 200,000 Greek Cypriots were forced from their homes during the Turkish invasion. This act of aggression resulted in the capture of over forty percent of the island, and the death of five Americans among scores of Cypriots. Since that time, more than 1,400 Greek Cypriots have gone missing and are unaccounted for. The invasion took a toll not only on the people of Cyprus, but also on the island's rich religious and architectural history as churches and other places of worship have been destroyed.

Over the years, Turkey has continuously upgraded its military presence on the island. In contrast, Greek Cypriots have been willing to compromise. The international community has also sought a decrease in tension.

As we watch the ongoing talks between the Israelis and Palestinians at Camp David, we are reminded that peace is possible—indeed it is the only option. Since the time of the invasion, the United Nations has sought to reach a just peace agreement for Cyprus. I am pleased that the recent round of talks in Geneva have been encouraging.

I look forward to July 2001 when, I hope, we will be celebrating the peace in Cyprus, and remembering the futility of aggression.

Mr. WEYGAND. Mr. Speaker, today I rise in remembrance of the invasion of Cyprus by Turkish forces in July of 1974. It was 26 years ago, Mr. Speaker, that more than six thousand Cypriots lost their lives, and more than 200,000 were displaced from their homes and communities by the advancing Turkish forces. With their culture threatened, their ancestral lands occupied, and their rights deprived, Cypriots have endured untold suffering. It is a terrible human tragedy and affront to all who support human rights that more than a quarter of a century later the situation remains unresolved.

There are several United Nations resolutions calling for a peaceful end to the situation under the guidelines of a bi-zonal, bi-communal federation based on a single sovereignty and a single citizenship with the independence and territorial integrity of Cyprus safeguarded. There have been resolutions passed through this body which have called for a peaceful conclusion to the conflict and an end to the Turkish occupation. The Cypriot government has made extraordinary efforts to reach an accord with the Turkish government, displaying goodwill, courage and a bold vision of peace. However, to date, all of this is to no avail.

Turkey employs a standing army of more than 35,000 troops, hundreds of tanks and other sophisticated weapons on the island, and maintains a substantial amphibious force permanently stationed on the Turkish mainland base closest to Cyprus. Turkey has made no serious effort to implement agreements made in good faith regarding the status of refugees, property rights and human rights and has exhibited a rather tenacious intransigence in working toward demilitarization and peace.

Mr. Speaker, the status quo is unacceptable, the occupation is illegal and a peaceful solution must be reached. Today, I am happy to say, there is hope for this solution. Negotiations between the Turks and Cypriots under United Nations auspices in Geneva are scheduled to resume on July 24 and to continue into August and even into the autumn; we can only have hope that this time, the tragedy and suffering of the Cypriots will be eased by a peaceful and true conclusion. I implore all sides to the conflict to be bold, to be courageous, to reach out for the vision peace and stability which can be achieved, and to give the world hope by closing this unfortunate chapter in the history of Cyprus.

Ms. PELOSI. Mr. Speaker, I rise today to join my colleagues in marking the 26th year of Turkey's illegal invasion and partition of the Republic of Cyprus. I commend Congresswoman MALONEY and Congressman BLIRAKIS for their leadership on this issue and thank them for calling this special order.

This anniversary is not a happy occasion, but it is one which serves to remind us of the continuing strife that the people of Cyprus have faced everyday for over two decades.

In 1974, using United States military equipment, Turkey invaded the Republic of Cyprus, killing 4,000 Greek Cypriots and capturing over 1,600 others, including 5 United States citizens. Though the Turkish Government has been condemned by this Congress and the international community time and time again, it has not halted its unjustified occupation.

Today, Cyprus remains cruelly divided. A barbed-wire fence known as the green line cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations.

The human rights violations by the Turkish Government on the people of Cyprus also continue. The freedoms of religion and assembly are frequently stifled, and intimidation by the military is ongoing and ever present.

On July 5, 2000, U.N. sponsored Cyprus talks resumed in Geneva with the full support of the United States and all members of the U.N. security council. Now is the key time to resolve the Cyprus problem and the only way forward is through a sustained process of negotiations and a solution which can unite Cyprus and its people. President Clinton has emphasized that we must "work for an end to the tragic conflict on Cyprus, which is dividing too many people in too many ways."

After 26 years of division, it is urgent that all the necessary steps are taken to actively support a just and lasting solution to the island's armed conflict. A peaceful resolution of this conflict is long overdue.

Mrs. ROUKEMA. Mr. Speaker, I rise today to join my colleagues to remember the 26th Black Anniversary of Turkey's invasion of Cyprus that occurred on July 20, 1974.

Following the first assault and despite the fact that talks were being held in Geneva to resolve the situation, on August 14, 1974, the Turkish army mounted a second full-scale offensive. By the end of the offensive, Turkey increased its hold on Cyprus to include the booming tourist resort of Famagusta and the rich citrus-growing area of Morphou. Over 37 percent of the area of Cyprus came under Turkish military occupation, an area Turkey still holds today, despite international condemnation.

As a result, 200,000 Greek Cypriots were made refugees in their own country and 70 percent of the economic potential of Cyprus came under military occupation. Moreover, thousands of people, including civilians, were killed or ill-treated by the Turkish invaders. There are still 1,619 Greek Cypriots missing as a result of the Turkish invasion, many of whom were held in Turkish custody.

Currently, Cyprus remains divided with 35,000 Turkish troops stationed there as a constant reminder of this violation of human rights and international law. Only Turkey recognizes the Turkish Cypriot State in the north. A 2,500-member U.N. peacekeeping force patrols the buffer zone between north and south.

Mr. Speaker, this Congress must do everything we can to state our firm condemnation of the Turkish invasion and our unwavering support of the self-determination of Cyprus and the sovereignty of Greece. Thousands of families still bear the terrible scars of the invasion. They must have their land and homes back!

It is time for the United States to join its voice in calling for a solution based on the U.N. resolutions. The time is now for us to use all of our influence on Turkey to obtain peace in Cyprus.

Mr. CUNNINGHAM. Mr. Speaker, today, on the 26th anniversary of Turkey's invasion of Cyprus, I rise to voice my concerns regarding that state's current efforts to gain entrance into the European Union.

On Friday, the British Broadcasting Company reported that, "Foreign Minister Ismail Cem and Guenter Verheugen, member of the EU commission responsible for enlargement, have said that relations between Turkey and the EU are 'developing rapidly' . . . and that a compromise could be reached" regarding Turkey's entrance into the European Union.

Yet, as the EU discusses Turkey's entrance into the European union, I feel that it is necessary to discuss the human rights violations and violations of the Vienna III agreement that are currently taking place in the occupied area of northern Cyprus. Turkey still occupies 37% of the Cyprus territory, which was illegally annexed in the 1974 Turkish invasion. Currently, Turkey maintains 35,000 troops in this territory and there are still 1,400 Greek Cypriots, including four Americans of Cypriot decent, who are unaccounted for. Turkey is the only state in the world that recognizes the northern Turkish Cypriot state.

In an attempt to alter the demographic make-up of the northern Cyprus region, Turkey has transplanted over 80,000 Turkish settlers to the area and has illegally distributed land belonging to evicted Cypriots—actions prohibited by articles 9 and 17 of the Universal Declaration of Human Rights set forth in the Geneva Convention of 1949. Turkish soldiers are also responsible for destroying Byzantine churches and other places of worship. These violations have not gone unnoticed by the European commission of Human Rights, which issued a report in June of 1999 that found Turkey in violation of the European Convention on Human Rights in regards to the issues of missing persons, the living conditions of the enclaved, and the properties of displaced persons.

But these violations of international treaties are not new. In 1983, Turkey established unilateral independence in the area of military occupation—a direct violation of international Treaties establishing the Republic of Cyprus. Since 1974, the UN has adopted numerous resolutions calling for the withdrawal of all foreign forces from Cyprus, the return of refugees to their homes in safety, and respect for the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus.

If Turkey is going to press ahead with its effort to gain acceptance into the EU and demand legitimacy in international markets, it must commit to drastic change and become more aligned with the goals and ideals central to the European Union. Eligibility for EU admittance should hinge on Turkey's willingness to abide by these treaties and withdrawal from its current position in Cyprus.

Mr. ACKERMAN. Mr. Speaker, I am honored to join with my colleagues in bringing the House's attention to the 26th anniversary of the Turkish invasion of Cyprus, a tragedy that continues to upset the peace and stability of the eastern-Mediterranean region. The Turkish invasion, which occurred on July 20, 1974, has led to the expulsion of over 200,000 Greek Cypriots from their ancestral homelands for more than a quarter of a century.

The systematic campaign of ethnic cleansing and harassment of Greek Cypriots has significantly marred the rich history of Cyprus and its people. Lootings and destruction continued to be ordered against archaeological and religious monuments in an attempt to wipe out



the Hellenic and Christian Orthodox heritage of the island. The policies of redistributing Greek Cypriots' land to the 80,000 transferred Turkish settlers brought from the mainland by the Turkish government, and of harassing those Greek Cypriot enclaves forced to live within the stifling confines to Turkish-controlled areas on the island, are offensive to our nation's values. These violations of international law, unless acknowledged and remedied, will continue to cast a grim shadow on the future of all Cypriots.

We, here in the House of Representatives, must remember the thousands of innocent Greek Cypriot victims not just for the meaning of their suffering, but also as a reminder of all those who have fallen victim to vicious ethnic, religious, and social hatred. Even today, ethnic strife remains a pox on the international community, and the unrelenting pattern of conflict around the world illustrates the importance of commemorative anniversaries such as the one we acknowledge today. Perhaps, it is only when we focus on the similarities of suffering between the people of the world that we can move beyond the differences among us. Our nation's unshakable commitment to human rights and the dignity of all people demands that we acknowledge and remember all those who have suffered at the hands of bigotry, hatred and intolerance around the world.

As a nation, we witnessed a myriad of atrocities in the last century. In response, rightly, we have committed our nation to both working for the peaceful resolution of ethnic conflicts around the world and to defending truth and memory where injustice has occurred. Today, I am proud that this House again ensures that the victims of aggression on Cyprus are not victimized in memory as they were in life.

Mr. Speaker, I am here today for a simple reason: to publicly recall that since 1974, thousands of innocent Greek Cypriots, regardless of sex or age, have been victimized by ethnic cleansing and partition for no just cause. Failure to take note of the situation in Cyprus is to become a party to this gross injustice, for as we all know, silence and inactivity amounts to acceptance.

I continue to advocate the unwavering support of this House in support of the people of Cyprus in their struggle for a peaceful and just settlement to this protracted and ugly conflict with Turkey.

Mr. Speaker, I'd like to commend and thank my colleagues Congresswoman CAROLYN MALONEY and Congressman MICHAEL BILIRAKIS, the co-chairs of the Congressional Hellenic Caucus. Thanks to their leadership, this House has again fulfilled America's commitment to memory and decency, and most importantly, has kept faith with the people of Cyprus. I'd also like to recognize and express my thanks for the tireless devotion of America's citizens of Hellenic descent. Thanks to them and their commitment, the atrocities which have occurred in Cyprus will not be forgotten. We must build on their successes and work together to find an end to this terrible injustice as soon as possible.

Mrs. KELLEY. Mr. Speaker, I rise today to join with my colleagues in marking the 26th Black Anniversary of Turkey's invasion of the island of Cyprus. On July 20, 1974, the gov-

ernment of Turkey sent troops to Cyprus and forcefully assumed control of more than one-third of the island. This action dislocated nearly 200,000 Greek Cypriots, forcibly evicting them from their homes and creating a refugee problem that exists to this day. Additionally, over 1600 Greek Cypriots are still missing or unaccounted for as a result of this brutal invasion.

The Turkish Cypriot community has historically shown its unwillingness to move towards a negotiated settlement with their Greek neighbors. The removal of the roughly 35,000 Turkish troops from the island of Cyprus is central to any such agreement, as is compliance with the previously agreed upon parameters for any solution. However, the Turkish government is doing the exact opposite. They have continued their arms buildup on the island, have abandoned reconciliation efforts begun on a bi-communal grassroots level, have added two new preconditions for the resumption of the peace talks and are now seeking the creation of a confederation of two sovereign states. The net result of these actions is to make any sort of reconciliation all the more unlikely.

The Greek Cypriots have continually demonstrated their flexibility and willingness to compromise in order to bring an end to this long-standing dispute. The Cyprus government has made numerous gestures of goodwill in an effort to move the peace process forward. In the last year, they have canceled the deployment of a Russian defensive surface to air missile system on Cyprus in an effort to head off any escalation of this conflict. In addition, Cyprus has continued to comply with the preconditions established by the United Nations Security Council resolutions, and has even put forth a plan for the demilitarization of the island.

In another positive step forward, last year for the first time in a substantive way, the leaders of the G-8 dealt with the Cyprus issue in their meeting in Cologne (June 20, 1999) and urged the UN Secretary General, in accordance with the Security Council resolutions, to invite the leaders of the two sides to comprehensive negotiations without preconditions. The UN Security Council in its resolution adopted on June 29, 1999 reiterated the G8 leaders' appeal and requested the UN Secretary General to proceed accordingly (UNSC resolution 1250 [1999]).

As a result of this coordinated international effort, a new round of proximity talks between the two communities was launched, under UN auspices, which began in December 1999. This process is still continuing, with a second round of proximity talks having taken place in Geneva in February 2000 and a third round which began on July 5, 2000, with the full support of the US and all the other members of the UN Security Council. This process has once again stalled with the Turkish Cypriot Leader's decision to leave the talks to return for Turkish Cypriot celebration of July 20, 2000.

The U.S. government must again take bold steps to show its continued resolve to the Turkish government that it is serious about moving towards peace in Cyprus. In this regard, I am pleased to be a so-sponsor of House Concurrent Resolution 100, urging the

compliance by Turkey with United Nations Resolution relating to Cyprus. It is essential that the United States and the entire international community continue to work for the long awaited resolution to this tragic event.

Mr. Speaker, it is with decisive steps such as these that we can begin to hope for a brighter future for Cyprus. I wish to commend the Gentleman from Florida, Mr. BILIRAKIS, and my other colleagues on the Hellenic Caucus for their steadfast work in this area. I look forward to working with him, and all who share our concerns, to achieve a unified and peaceful Cyprus in the future.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to begin by thanking my colleague from Florida, Mr. BILIRAKIS, for this special order commemorating the 26th anniversary of the Turkish occupation of the island of Cyprus.

In 1960, the Republic of Cyprus was formed after the island received its independence from Great Britain. From the start it struggled to balance the various ethnic and religious differences between its people in such a way that would provide for a harmonious and democratic nation. Both the Cypriot government and the Cypriot people sought to prosper in peace rather than fall victim to the plague of sectarian infighting. But, for the people of one third of that democratic nation, the dream of peace and prosperity has been denied.

Since the Turkish invasion of the northern third of the island in 1974, the Cypriot people have endured countless violations of their human rights at the hands of foreign invaders. Following the occupation, a Turkish policy of ethnic cleansing has resulted in nearly 200,000 Greek Cypriots being evicted from their homes. The Turkish military has prevented their repatriation ever since and many Cypriots continue to live as refugees in their own nation.

Throughout the decades following that initial suspension of human rights, international organizations have sought to compel the Turkish military to return basic human rights and freedoms to the people of northern Cyprus. But despite the signing of agreements designed to reunite Cyprus under democratic government, the Turkish military has never honored their promises with positive results. To this day they still pursue the vain and unjust goal of establishing a separate, Turkish republic in the north. The Turkish military even goes so far as to violate the Geneva Convention of 1949 by its effort to bring 80,000 mainland Turks to colonize the homes and lands of Cypriots that had been ethnically cleansed in previous decades.

Although the world is rife with instances of injustice, the frequency of that injustice is no excuse for complacency. This Congress must continue to speak out against the actions of the Turkish military to subvert the existence of the free and democratic nation of Cyprus. We must support the efforts of those who would seek peace and unity over those who would promote fear and division. We, as the Congress of the United States, must note that with great power comes great obligation, and that, therefore we are obliged to speak out against the tyranny of the Turkish occupation of Cyprus. We must speak out for a peaceful and just solution to this oft overlooked international

issue. To close, I would like to thank the strong Greek and Cypriot communities of Rhode Island for bringing this important issue to my attention and I hope that we will all honor their efforts through this commemoration today.

Ms. ROS-LEHTINEN. Mr. Speaker, I commend my colleagues Congressman MICHAEL BILIRAKIS and Congresswoman CAROLYN MALONEY for calling this special order and for bringing the public's attention to this sad anniversary we commemorate this week.

This Thursday, July 20th marks the 26th anniversary of the Turkish invasion and occupation of northern Cyprus. On that sad day 26 years ago, over 50,000 heavily armed troops landed in northern Cyprus.

Today 35,000 of those troops remain in Cyprus and are used, along with Turkish police forces, to harass and terrorize the Greek-Cypriots remaining in the occupied area.

Those Greek-Cypriots remaining in the Turkish occupied area are referred to as the enclaved. They are called the enclaved because when the Turkish forces invaded the island, over 200,000 Greek-Cypriots were forcibly evicted from their homes their families had lived in for centuries.

Under an international agreement signed in 1975 called the Vienna III Agreement, 20,000 Greek-Cypriots and Maronites were to be allowed to stay in the northern area called the Karpasia Peninsula and in certain Maronite villages.

That Vienna III Agreement had not been honored because of those 20,000, only 500 remain.

This is the result of a systematic campaign of harassment and intimidation and continuing massive violations of their most basic human rights and freedoms, including those guaranteed by Turkey in the 1975 Vienna III Agreement.

In a hope to bring an end to the suffering of these brave people, I filed H. Con. Res. 80 last year, which today I am happy to report has 131 cosponsors.

H. Con. Res. 80 is a modest resolution simply seeking to bring attention to and thereby end the suffering of the enclaved and urging the President of the United States to undertake efforts to end the restrictions on the freedoms and human rights of the enclaved people of Cyprus.

The violations of the enclaved people's human rights and of the agreements signed by Turkey have been documented in UN reports.

The daily life for the enclaved is far from the normal life guaranteed by the international agreements. As stated in the 1999 case Cyprus vs. Turkey before the European Court of Human Rights, taken as a whole, the daily life of the Greek Cypriot in northern Cyprus is characterized by a multitude of adverse circumstances.

These adverse circumstances include: the absence of normal communication, the unavailability in practice of the Greek Cypriot press, the insufficient number of priests, the difficult choice before which parents and school children are put regarding secondary education, the restrictions and formalities applied to freedom of movement, the impossibility to preserve property rights upon departure or death and the various other restrictions

create a feeling among the persons concerned of being compelled to live in a hostile environment in which it is hardly possible to lead a normal private and family life.

If these Turkish created difficulties were not enough to get these enclaved people to abandon their traditional family homes, over 80,000 Turkish settlers from the mainland have been moved to the occupied area and are living in the homes the Greek Cypriots had to flee from, in violation of international law.

The history of this military occupation is a sad history with many disappointments. Presently, thanks to the efforts of the United Nations and others in the international community, the two sides are in their second round of negotiations.

My heart is full of hope that these talks find the breakthrough that all the previous talk did not find. But I believe that our Administration must do all it can to show the Turkish side that the settlement of this conflict is a high priority.

Moreover, that the plight of the enclaved will not be tolerated any longer and it must be known that Turkey's attitude toward the plight of the enclaved will affect the United States attitude towards Turkey.

The recent improved relations between Greece and Turkey does give us cause for hope but that is no reason to hold back our earnest desire that the Cyprus dispute be finally ended and that the island and its people no longer be divided.

I believe that this is a time for pressure on both sides but mostly the Turkish side. I hope our Administration plays its part during these negotiations. As for us here in Congress, I know we will continue to do our part to help the cause of freedom and justice for the enclaved people of Cyprus.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 45 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

#### AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

#### PRAYER

The Reverend Glen Warner, Pastor, Second Congregational United Church of Christ, Ashtabula, Ohio, offered the following prayer:

The Lord is my light, and my salvation.

Whom then shall I fear?

The Lord is the strength of my life.

Of whom then shall I be afraid?

Faithful, Father God, Creator of all mighty galaxies and human hearts;

May our work be worship today as minds and hearts are newly formed by Your creating spirit. We do not seek to change Your mind, but to open ours.

May common sense prevail! We thank You for the brilliance and the passion of America! Forbid that we settle today for shallow sentiments of the merely secular or values faded into pale pastel shades! Forgive our diminished expectations.

Almighty God! By Your spirit save us from ourselves and the misuse of all the good and perfect gifts we have received from Your hand! And all God's people said, Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOME TO THE REV. GLEN W. WARNER

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, it is my pleasure today to welcome the Reverend Glen W. Warner as our guest chaplain today. Glen is the Pastor of the Second Congregational United Church of Christ in Ashtabula, Ohio, a post that he has held for the last 3 years.

I have had the pleasure of knowing Glen and his wife Nancy and their wonderful family for the past 6 years. Their generosity in time and spirit is well known in our community. Churches, children's services, and philanthropic causes of all stripes have benefited from Glen and Nancy's involvement. Glen was actually the Republican candidate for the seat that I have the pleasure of holding in 1982.

Glen is also blessed with an endearing sense of humor. According to a newspaper account heralding his visit here, Glen was asked what he planned to incorporate into his morning prayer with us this morning. I will quote: "Warner said he has talked to several Ashtabulans, seeking their opinion as to what he should mention in his prayer. One woman's suggestion that Warner pray for a Democratic majority obviously didn't make the cut."

Mr. Speaker, it is my pleasure to welcome Glen to the House this morning and thank him for his service.

## SECURITY LEAKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our national security is serious business. The American people have a right to know that we are safeguarding our defense secrets well. But the Clinton-Gore administration has botched the job. A suspected spy was allowed access to critical secrets in Los Alamos for 17 months after FBI Director Freeh advised the administration he should be removed from classified areas.

Between November of 1997 and November of 1998, 191 supercomputers were shipped to Communist China. Only one was checked by the administration to make sure it was not being used for weapons development.

In 1996, the Loral Corporation was found by the Department of Defense to have damaged our national security by sending critical missile technologies to the Chinese, but the administration went ahead and had them keep launching missiles in China, ignoring DOD's recommendations. I might add, the CEO of this company gives \$1 million a year to the Democratic National Committee.

In June we found out that hard drives containing secret nuclear data were missing for a month before even anyone noticed.

Mr. Speaker, we have a security problem in this administration. It needs to be addressed immediately.

## INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to talk about Katherine Nevin Caner, who was taken by her noncustodial father, Mr. Muzaffer Caner, on May 15, 1998.

At the time of the abduction, Katherine was 12 years old and living with her mother, Mrs. Elizabeth Paladini. At the age of 6, Katherine had been diagnosed with a cancerous tumor that impairs the parts of the brain that control the involuntary muscles and functions such as heartbeat, breathing, and thought processes. The ailments Katherine is suffering from include brain cancer, pulmonary fibrosis, psychosis, and dementia.

Both Katherine and Mr. Caner, the abductor, are believed to be in Turkey, and an Unlawful Flight to Avoid Prosecution was issued on May 20, 1998.

Mr. Speaker, Katherine's mother has not had contact with her since her abduction 2 years ago. She has no idea if Katherine is receiving the proper medical care or how she is being treated.

This is an issue that affects 10,000 American children and their families.

This House should make sure that the most sacred of bonds, that between a parent and a child, is preserved. We must bring our children home.

## CONTINUED NATIONAL SECURITY CONCERNS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, one of the greatest responsibilities our government has to the American people is to protect the national security interests of our great Nation. Unfortunately, over the past year evidence has shown that the Clinton-Gore administration has maintained a lax, even negligent, national security policy with regard to China.

Get this, the administration has now permitted defense contractors and computer companies to hire hundreds of Chinese technicians to work on highly sensitive and classified military-related technologies.

Not only to me, but to the American people and to top officials in the Pentagon, it is obvious why China is sending to the U.S. their most highly educated and motivated professionals. China is continuing its efforts to obtain U.S. military secrets and technology by any means, legal or illegal. This breakdown of American national security is beyond belief and must stop.

Mr. Speaker, I yield back the administration's careless disregard for a country's most sensitive and classified technology which continues to jeopardize the U.S. national security every day.

## IS THE MIDDLE EAST PEACE SUMMIT REALLY ABOUT AMERICAN DOLLARS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, leaders Barak and Arafat and President Clinton have been discussing peace in the Middle East for days. But something does not add up to me. Are they discussing peace, or dollars?

Reports now say that American taxpayers may be asked to cough up more than \$40 billion to get this agreement signed. Unbelievable. What started out as a peace agreement has turned into a sort of dial for dollars lottery. What is next, Monty Hall?

Beam me up, Mr. Speaker. Dollars never have nor ever will result in a lasting peace. I yield back the fact that we already spend \$20 billion every year in grants, loans, and aid in the Middle East. Think about that.

## REPUBLICAN ACCOMPLISHMENTS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, when the American people talk, Congress listen. Thousands of our Nation's seniors asked for relief from rising prescription drug prices. We worked to create a bipartisan plan that is voluntary, affordable, and available to all. We passed it through the House.

When married couples came to us in droves, shocked by the fact that the Federal government taxes them at a greater rate, we did something about it. The House passed legislation earlier this year, and will pass it again tomorrow, to lessen the impact of the marriage penalty by increasing the standard deduction for married couples, expanding the 15 percent tax bracket for joint filers, and increasing the earned income tax credit.

When small business owners and family farmers from Oregon to North Carolina came to us and asked for relief from the devastating inheritance tax, we began efforts to repeal it.

Mr. Speaker, we are committed to providing relief to the American people.

## GUN SAFETY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, every day the Republican leadership wastes not taking action on gun safety, 12 to 13 children die as a result of gun violence. That is 13 children gone forever. This is not a game, this is about our children's lives.

Yesterday a 13-year-old boy fired a gun in a cafeteria at his middle school in Seattle. How many more children's lives need to be jeopardized before this Congress acts?

Our children need safety locks on guns, they need effective background checks, and they need the NRA to loosen its grip on the Republican leadership. They need all of this now; not tomorrow, not next year, now.

With just 2 weeks before the August recess, I urge my Republican colleagues, stop playing politics with our children's lives. Start working on a meaningful gun legislation package. Our children's lives depend on it.

## "PORKER OF THE WEEK" AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the United Nations is at it again. One of the most wasteful organizations in the

world acknowledged last week that its 38,000 peacekeeping troops are spreading the AIDS virus. Its solution to the problem is not to restrict them to the base or discipline inappropriate behavior, or something that actually might work. No, their solution is to distribute one free condom per day to each troop, courtesy of the American taxpayer.

The United States contributes 25 percent to the U.N. peacekeeping budget. The money is supposed to be for troops, equipment, and peacekeeping efforts. Yet, the U.N. spends a portion of the money on condoms. Is this part of the U.N. uniform: A helmet, flak jacket, canteen, rifle, and condom?

Give me a break. By my estimate, each condom costs approximately 20 cents. Multiply this by 38,000 troops per day and we are talking about an annual condom fund of \$2.7 million. What makes them think that troops engaging in irresponsible behavior are responsible enough to use the condoms? The U.N. peacekeepers are supposed to protect, not infect. The U.N. gets my "porker of the week" award.

□ 1015

#### MARRIAGE PENALTY

Mr. Speaker, we are considering another tax cutting scheme aimed at benefiting only the wealthiest Americans and does little to help the working families in my district. The scheme we are looking at now will benefit 5 percent of the wealthiest Americans with 60 percent of the tax cuts.

The Republican plan is fiscally irresponsible that could lead to higher interest rates and force huge deficits or tax increases on our children and our grandchildren.

Everybody wants a tax cut. I would like to see it particularly around April 15. The difference between the two parties is Democrats, we want to save the money enough to build our national defense, save Social Security, modernize Medicare, and pay down the national debt instead of ignoring these issues until they become a crisis, giving a tax cut now and make it a crisis later.

I met with so many of my constituents in the last few months, and they recognize our number one priority is to safeguard our own country, protect Social Security, and provide for prescription drugs for our seniors.

The failure to address these issues today will make them be paid for tomorrow. As Democrats, we want to make sure we do that and still have the tax cut.

#### OUTRAGEOUS GAS PRICES A RESULT OF CLINTON-GORE ADMINISTRATION

(Mr. BARTLETT of Maryland asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the outrageous gas prices that plague this Nation are a direct result of failed energy policies by the Clinton-Gore administration.

High gas prices have devastated Americans from every walk of life, from our seniors on fixed incomes who are struggling to pay for the rising cost of home heating oil, to our families, farmers, and those who rely on transportation to survive.

The jump in prices do not just affect individual family budgets, but also impact the districts across the country that rely on tourism dollars, especially during these popular summer months.

Mr. Speaker, the Clinton-Gore administration has refused to take actions while Americans everywhere have been left to suffer. If this trend continues and gas prices remain high, our economy will certainly feel the impact. This may not be the legacy that President Clinton had in mind.

#### INCREASING LIMITS ON RETIREMENT ACCOUNTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, when I was 21 years old and flying combat in Korea, I thought I was bulletproof. I never gave one thought about being 65 years old and worrying about retirement. But young and middle-aged workers need to start today to prepare for the future.

This week, the House is going to vote on legislation to increase the annual amount Americans can save in their individual retirement accounts from \$2,000 to \$5,000.

IRAs provide one of the best incentives for Americans to save for their retirement security. It has been nearly 20 years since this \$2,000 limit was set, and it is way past the time to increase it.

This bill also increases the amount Americans can put into their 401(K) accounts and allow Americans to keep their retirement accounts if they choose to switch. Republicans have worked hard to tear down all the barriers through traditional American values, like family, hard work and savings.

This bill goes a long way to make sure that every American has security.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and

nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

#### UNSOLICITED COMMERCIAL ELECTRONIC MAIL ACT OF 2000

Mrs. WILSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3113) to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail, as amended.

The Clerk read as follows:

H.R. 3113

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Unsolicited Commercial Electronic Mail Act of 2000".

#### SEC. 2. CONGRESSIONAL FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) There is a right of free speech on the Internet.

(2) The Internet has increasingly become a critical mode of global communication and now presents unprecedented opportunities for the development and growth of global commerce and an integrated worldwide economy. In order for global commerce on the Internet to reach its full potential, individuals and entities using the Internet and other online services should be prevented from engaging in activities that prevent other users and Internet service providers from having a reasonably predictable, efficient, and economical online experience.

(3) Unsolicited commercial electronic mail can be an important mechanism through which businesses advertise and attract customers in the online environment.

(4) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(5) Unsolicited commercial electronic mail may impose significant monetary costs on Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment. The sending of such mail is increasingly and negatively affecting the quality of service provided to customers of Internet access service, and shifting costs from the sender of the advertisement to the Internet access service.

(6) While some senders of unsolicited commercial electronic mail messages provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited commercial electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(7) An increasing number of senders of unsolicited commercial electronic mail purposefully disguise the source of such mail so as to prevent recipients from responding to such mail quickly and easily.

(8) Many senders of unsolicited commercial electronic mail collect or harvest electronic mail addresses of potential recipients without the knowledge of those recipients and in violation of the rules or terms of service of the database from which such addresses are collected.

(9) Because recipients of unsolicited commercial electronic mail are unable to avoid the receipt of such mail through reasonable means, such mail may invade the privacy of recipients.

(10) In legislating against certain abuses on the Internet, Congress should be very careful to avoid infringing in any way upon constitutionally protected rights, including the rights of assembly, free speech, and privacy.

(b) CONGRESSIONAL DETERMINATION OF PUBLIC POLICY.—On the basis of the findings in subsection (a), the Congress determines that—

(1) there is substantial government interest in regulation of unsolicited commercial electronic mail;

(2) Internet service providers should not be compelled to bear the costs of unsolicited commercial electronic mail without compensation from the sender; and

(3) recipients of unsolicited commercial electronic mail have a right to decline to receive or have their children receive unsolicited commercial electronic mail.

### SEC. 3. DEFINITIONS.

In this Act:

(1) CHILDREN.—The term “children” includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the parent, who have not attained the age of 18 and who reside with the parent or are under his or her care, custody, or supervision.

(2) COMMERCIAL ELECTRONIC MAIL MESSAGE.—The term “commercial electronic mail message” means any electronic mail message that primarily advertises or promotes the commercial availability of a product or service for profit or invites the recipient to view content on an Internet web site that is operated for a commercial purpose. An electronic mail message shall not be considered to be a commercial electronic mail message solely because such message includes a reference to a commercial entity that serves to identify the initiator.

(3) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(4) DOMAIN NAME.—The term ‘domain name’ means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(5) ELECTRONIC MAIL ADDRESS.—

(A) IN GENERAL.—The term “electronic mail address” means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered.

(B) INCLUSION.—In the case of the Internet, the term “electronic mail address” may include an electronic mail address consisting of a user name or mailbox (commonly referred to as the “local part”) and a reference to an Internet domain (commonly referred to as the “domain part”).

(6) INTERNET.—The term “Internet” has the meaning given that term in section 231(e)(3) of the Communications Act of 1934 (47 U.S.C. 231(e)(3)).

(7) INTERNET ACCESS SERVICE.—The term “Internet access service” has the meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(8) INITIATE.—The term “initiate”, when used with respect to a commercial electronic mail message, means to originate such message or to procure the transmission of such message.

(9) INITIATOR.—The term “initiator”, when used with respect to a commercial electronic mail message, means the person who initiates such message. Such term does not include a provider of an Internet access service whose role with respect to the message is limited to handling, transmitting, retransmitting, or relaying the message.

(10) PRE-EXISTING BUSINESS RELATIONSHIP.—The term “pre-existing business relationship” means, when used with respect to the initiator and recipient of a commercial electronic mail message, that either of the following circumstances exist:

(A) PREVIOUS BUSINESS TRANSACTION.—

(i) Within the 5-year period ending upon receipt of such message, there has been a business transaction between the initiator and the recipient (including a transaction involving the provision, free of charge, of information requested by the recipient, of goods, or of services); and

(ii) the recipient was, at the time of such transaction or thereafter, provided a clear and conspicuous notice of an opportunity not to receive further messages from the initiator and has not exercised such opportunity.

(B) OPT IN.—The recipient has given the initiator permission to initiate commercial electronic mail messages to the electronic mail address of the recipient and has not subsequently revoked such permission.

(11) RECIPIENT.—The term “recipient”, when used with respect to a commercial electronic mail message, means the addressee of such message.

(12) UNSOLICITED COMMERCIAL ELECTRONIC MAIL MESSAGE.—The term “unsolicited commercial electronic mail message” means any commercial electronic mail message that is sent by the initiator to a recipient with whom the initiator does not have a pre-existing business relationship.

### SEC. 4. CRIMINAL PENALTY FOR UNSOLICITED COMMERCIAL ELECTRONIC MAIL CONTAINING FRAUDULENT ROUTING INFORMATION.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by inserting “or” after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

“(D) intentionally initiates the transmission of any unsolicited commercial electronic mail message to a protected computer in the United States with knowledge that any domain name, header information, date or time stamp, originating electronic mail address, or other information identifying the initiator or the routing of such message, that is contained in or accompanies such message, is false or inaccurate;”

(2) in subsection (c)(2)(A)—

(A) by inserting “(i)” after “in the case of”; and

(B) by inserting before “; and” the following: “, or (ii) an offense under subsection (a)(5)(D) of this section”; and

(3) in subsection (e)—

(A) by striking “and” at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

“(10) the terms ‘initiate’, ‘initiator’, ‘unsolicited commercial electronic mail message’, and ‘domain name’ have the meanings given such terms in section 3 of the Unsolicited Commercial Electronic Mail Act of 2000.”

### SEC. 5. OTHER PROTECTIONS AGAINST UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) REQUIREMENTS FOR TRANSMISSION OF MESSAGES.—

(1) INCLUSION OF RETURN ADDRESS IN COMMERCIAL ELECTRONIC MAIL.—It shall be unlawful for any person to initiate the transmission of a commercial electronic mail message to any person within the United States unless such message contains a valid electronic mail address, conspicuously displayed, to which a recipient may send a reply to the initiator to indicate a desire not to receive any further messages.

(2) PROHIBITION OF TRANSMISSION OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL AFTER OBJECTION.—If a recipient makes a request to a person to be removed from all distribution lists under the control of such person, it shall be unlawful for such person to initiate the transmission of an unsolicited commercial electronic mail message to such a recipient within the United States after the expiration, after receipt of such request, of a reasonable period of time for removal from such lists. Such a request shall be deemed to terminate a pre-existing business relationship for purposes of determining whether subsequent messages are unsolicited commercial electronic mail messages.

(3) INCLUSION OF IDENTIFIER AND OPT-OUT IN UNSOLICITED COMMERCIAL ELECTRONIC MAIL.—It shall be unlawful for any person to initiate the transmission of any unsolicited commercial electronic mail message to any person within the United States unless the message provides, in a manner that is clear and conspicuous to the recipient—

(A) identification that the message is an unsolicited commercial electronic mail message; and

(B) notice of the opportunity under paragraph (2) not to receive further unsolicited commercial electronic mail messages from the initiator.

(b) ENFORCEMENT OF POLICIES BY INTERNET ACCESS SERVICE PROVIDERS.—

(1) PROHIBITION OF TRANSMISSIONS IN VIOLATION OF POSTED POLICY.—It shall be unlawful for any person to initiate the transmission of an unsolicited commercial electronic mail message to any person within the United States in violation of a policy governing the use of the equipment of a provider of Internet access service for transmission of unsolicited commercial electronic mail messages that meets the requirements of paragraph (2).

(2) REQUIREMENTS FOR ENFORCEABILITY.—The requirements under this paragraph for a policy regarding unsolicited commercial electronic mail messages are as follows:

(A) CLARITY.—The policy shall explicitly provide that compliance with a rule or set of rules is a condition of use of the equipment of a provider of Internet access service to deliver commercial electronic mail messages.

(B) PUBLICLY AVAILABILITY.—The policy shall be publicly available by at least one of the following methods:

(i) WEB POSTING.—The policy is clearly and conspicuously posted on a World Wide Web site of the provider of Internet access service, which has an Internet domain name that is identical to the Internet domain name of the electronic mail address to which the rule or set of rules applies.

(ii) NOTIFICATION IN COMPLIANCE WITH TECHNOLOGICAL STANDARD.—Such policy is made

publicly available by the provider of Internet access service in accordance with a technological standard adopted by an appropriate Internet standards setting body (such as the Internet Engineering Task Force) and recognized by the Commission by rule as a fair standard.

(C) **INTERNAL OPT-OUT LIST.**—If the policy of a provider of Internet access service requires compensation specifically for the transmission of unsolicited commercial electronic mail messages into its system, the provider shall provide an option to its subscribers not to receive any unsolicited commercial electronic mail messages, except that such option is not required for any subscriber who has agreed to receive unsolicited commercial electronic mail messages in exchange for discounted or free Internet access service.

(3) **OTHER ENFORCEMENT.**—Nothing in this Act shall be construed to prevent or limit, in any way, a provider of Internet access service from enforcing, pursuant to any remedy available under any other provision of Federal, State, or local criminal or civil law, a policy regarding unsolicited commercial electronic mail messages.

(C) **PROTECTION OF INTERNET ACCESS SERVICE PROVIDERS.**—

(1) **GOOD FAITH EFFORTS TO BLOCK TRANSMISSIONS.**—A provider of Internet access service shall not be liable, under any Federal, State, or local civil or criminal law, for any action it takes in good faith to block the transmission or receipt of unsolicited commercial electronic mail messages.

(2) **INNOCENT RETRANSMISSION.**—A provider of Internet access service the facilities of which are used only to handle, transmit, retransmit, or relay an unsolicited commercial electronic mail message transmitted in violation of subsection (a) shall not be liable for any harm resulting from the transmission or receipt of such message unless such provider permits the transmission or retransmission of such message with actual knowledge that the transmission is prohibited by subsection (a) or subsection (b)(1).

#### **SEC. 6. ENFORCEMENT.**

(a) **GOVERNMENTAL ORDER.**—

(1) **NOTIFICATION OF ALLEGED VIOLATION.**—The Commission shall send a notification of alleged violation to any person who violates section 5 if—

(A) a recipient or a provider of Internet access service notifies the Commission, in such form and manner as the Commission shall determine, that a transmission has been received in violation of section 5; or

(B) the Commission has other reason to believe that such person has violated or is violating section 5.

(2) **TERMS OF NOTIFICATION.**—A notification of alleged violation shall—

(A) identify the violation for which the notification was issued;

(B) direct the initiator to refrain from further violations of section 5;

(C) expressly prohibit the initiator (and the agents or assigns of the initiator) from further initiating unsolicited commercial electronic mail messages in violation of section 5 to the designated recipients or providers of Internet access service, effective on the 3rd day (excluding Saturdays, Sundays, and legal public holidays) after receipt of the notification; and

(D) direct the initiator (and the agents or assigns of the initiator) to delete immediately the names and electronic mail addresses of the designated recipients or providers from all mailing lists owned or controlled by the initiator (or such agents or as-

signs) and prohibit the initiator (and such agents or assigns) from the sale, lease, exchange, license, or other transaction involving mailing lists bearing the names and electronic mail addresses of the designated recipients or providers.

(3) **COVERAGE OF MINOR CHILDREN BY NOTIFICATION.**—Upon request of a recipient of an electronic mail message transmitted in violation of section 5, the Commission shall include in the notification of alleged violation the names and electronic mail addresses of any child of the recipient.

(4) **ENFORCEMENT OF NOTIFICATION TERMS.**—

(A) **COMPLAINT.**—If the Commission believes that the initiator (or the agents or assigns of the initiator) has failed to comply with the terms of a notification issued under this subsection, the Commission shall serve upon the initiator (or such agents or assigns), by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Commission within 15 days after the date of such service.

(B) **HEARING AND ORDER.**—If the Commission, after an opportunity for a hearing on the record, determines that the person upon whom the complaint was served violated the terms of the notification, the Commission shall issue an order directing that person to comply with the terms of the notification.

(C) **PRESUMPTION.**—For purposes of a determination under subparagraph (B), receipt of any transmission in violation of a notification of alleged violation 30 days (excluding Saturdays, Sundays, and legal public holidays) or more after the effective date of the notification shall create a rebuttable presumption that such transmission was sent after such effective date.

(5) **ENFORCEMENT BY COURT ORDER.**—Any district court of the United States within the jurisdiction of which any transmission is sent or received in violation of a notification given under this subsection shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notification. Failure to observe such order may be punishable by the court as contempt thereof.

(b) **PRIVATE RIGHT OF ACTION.**—

(1) **ACTIONS AUTHORIZED.**—A recipient or a provider of Internet access service may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State, or may bring in an appropriate Federal court if such laws or rules do not so permit, either or both of the following actions:

(A) An action based on a violation of section 5 to enjoin such violation.

(B) An action to recover for actual monetary loss from such a violation in an amount equal to the greatest of—

(i) the amount of such actual monetary loss; or

(ii) \$500 for each such violation, not to exceed a total of \$50,000.

(2) **ADDITIONAL REMEDIES.**—If the court finds that the defendant willfully, knowingly, or repeatedly violated section 5, the court may, in its discretion, increase the amount of the award to an amount equal to not more than three times the amount available under paragraph (1).

(3) **ATTORNEY FEES.**—In any such action, the court may, in its discretion, require an undertaking for the payment of the costs of such action, and assess reasonable costs, including reasonable attorneys' fees, against any party.

(4) **PROTECTION OF TRADE SECRETS.**—At the request of any party to an action brought

pursuant to this subsection or any other participant in such an action, the court may, in its discretion, issue protective orders and conduct legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program, and computer software involved in order to prevent possible recurrence of the same or a similar act by another person and to protect any trade secrets of any such party or participant.

#### **SEC. 7. EFFECT ON OTHER LAWS.**

(a) **FEDERAL LAW.**—Nothing in this Act shall be construed to impair the enforcement of section 223 or 231 of the Communications Act of 1934, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

(b) **STATE LAW.**—No State or local government may impose any civil liability for commercial activities or actions in interstate or foreign commerce in connection with an activity or action described in section 5 of this Act that is inconsistent with the treatment of such activities or actions under this Act, except that this Act shall not preempt any civil remedy under State trespass or contract law or under any provision of Federal, State, or local criminal law or any civil remedy available under such law that relates to acts of computer fraud or abuse arising from the unauthorized transmission of unsolicited commercial electronic mail messages.

#### **SEC. 8. STUDY OF EFFECTS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.**

Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission shall submit a report to the Congress that provides a detailed analysis of the effectiveness and enforcement of the provisions of this Act and the need (if any) for the Congress to modify such provisions.

#### **SEC. 9 SEPARABILITY.**

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

#### **SEC. 10. EFFECTIVE DATE.**

The provisions of this Act shall take effect 90 days after the date of enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

#### **GENERAL LEAVE**

Mrs. WILSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3113, and to insert extraneous material in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Mrs. WILSON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill that we have before us incorporates the text of H.R. 3113, which is sponsored by myself and the gentleman from Texas (Mr. GREEN) and which passed the Committee on



Commerce. It also incorporates language from H.R. 1686, the bill of the gentleman from Virginia (Mr. GOODLATTE), which creates misdemeanor criminal penalties for fraudulent e-mail schemes. It also makes some technical and conforming changes to the committee bill.

There are a lot of thanks that are due for this bill. I would like to thank the gentleman from Virginia (Chairman BLILEY) from the Committee on Commerce and the gentleman from Illinois (Chairman HYDE) from the Committee on the Judiciary; the gentleman from Michigan (Mr. DINGELL), ranking member from Committee on Commerce; the gentleman from Florida (Chairman MCCOLLUM) from the Subcommittee on Crime; as well as the gentleman from Louisiana (Chairman TAUZIN) from the Subcommittee on Telecommunications, Trade and Consumer Protection; and, of course, the gentleman from Texas (Mr. GREEN); and the gentleman from California (Mr. GARY MILLER) who have worked very hard on this bill.

There are a number of staff members who also have worked hard, and they often do not get much credit around here, so I would like to thank them: Justin Lilley from the office of the gentleman from Virginia (Chairman BLILEY); Andy Levin from the office of Mr. DINGELL; Teddy Jones with the gentleman from Louisiana (Mr. TAUZIN); John Dudas with the gentleman from Illinois (Mr. HYDE); Patrick Woehrle, who works with the gentleman from Texas (Mr. GREEN); Ben Cline from the office of the gentleman from Virginia (Mr. GOODLATTE); Steve Cope, the Legislative Counsel; Paul Callen, the Legislative Counsel; Cliff Riccio; and, of course, my staff member, Luke Rose.

The Internet community in New Mexico also deserves a lot of thanks in teaching me about this problem. But I want to talk a little bit about the problem. The most annoying thing about the Internet is junk e-mail. But it goes beyond just annoying. It also causes tremendous cost to Internet service providers.

Steven Fox is a CEO of a little company in Albuquerque called Associated Information Services. He has 2,000 clients. This is a mom-and-pop Internet service provider. They get about 4,000 e-mails a day generally. But he has been fighting to keep his servers from crashing because they were under a spam attack, getting 400,000 to 2 million e-mails a day, clogging up their computers.

The estimates are that junk e-mail costs the Internet service provider companies \$1 billion a year and a whole lot of hassle. But it goes beyond just the hassle and the cost. Three out of every 10 junk e-mails is pornographic.

I first became aware of this problem shortly after I was elected when I

started getting junk e-mail. The first one had a subject line that said "What your Federal Government does not want you to know." Thinking that this is from one of my constituents who is telling me about yet another failure of the Federal Government, I opened it and found myself in an X-rated e-mail Web site. Well, I guess maybe my Federal Government does not want me to know what naked women look like. That is what I concluded from that.

But I also concluded that that is something that I did not want my children to see if they got an e-mail that said "new toys on the market". That is the problem.

As I found out, as a consumer, one has no right to say do not send me any more of this. It is very likely that the return e-mail address is not accurate anyway; and that, as soon as one replies to it, it validates one's e-mail address, and they sell it to somebody else.

This bill requires a valid return address on unsolicited commercial e-mail. It allows Internet service providers to set and enforce policies including having spam-free Internet service providers. It requires that unsolicited commercial e-mail be labeled, and it requires that people who send unsolicited commercial e-mail respect a consumer's request to be taken off the list.

There is a right of free speech in this country, including commercial free speech on the Internet, but there is no right to force us to listen or to force us to pay the cost of junk e-mail. That is what this bill will take care of.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3113, the Unsolicited Electronic Mail Act.

As one of the principal authors of the legislation, along with the gentleman from New Mexico (Mrs. WILSON), I am very pleased that the House of Representatives will act on this important piece of Internet legislation today.

Over the last decade, Americans have witnessed the development of the Internet and the many associated applications that now make our daily lives easier and more efficient. However, this movement to cyberspace has not occurred without problems.

As more and more people move online, their need for privacy and data management becomes paramount. Just as the Internet provides a personalized window looking out to work and shop through, it can be used by strangers to look into our personal habits and information.

H.R. 3113 will be the first line of defense against people trying to look into our private lives. The legislation's pri-

mary function is to stop individuals and companies from forcing unwanted e-mail messages on to our computers.

Typically, these messages are advertisements for anything from dog food to pornography and, in many cases, come in disguised formats that make the consumer believe the message contains innocent information, as the gentlewoman from New Mexico (Mrs. WILSON) mentioned.

It is only after these messages are delivered and opened that the consumer realizes they have just received a junk e-mail or better known as spam.

Because the Internet provides a low-cost method of advertising, many advertisers tap this technology to send millions of unwanted messages to consumers through the Internet service providers, the ISP.

While these messages may cost the sender almost nothing to initiate, the ISP and the consumer both lose time and money carrying and deleting these messages.

H.R. 3113 limits the ability of spammers to force their messages by forcing spammers to have a clear and conspicuous label on their messages so consumer and ISPs have an easier time identifying and deleting these messages; making sure spammers send clear and accurate router and return address information on their messages so consumers can respond to their message to opt out of future advertisements; providing consumers with the option to opt out reinforced by the ability to seek civil damages for any future violation. Once a consumer requests that their name be taken off whatever list a spammer is using, any further spam messages could result in court action. Allowing ISPs and consumers to initiate civil actions to seek damages from spammers is our last effort.

Taken as a whole, all these provisions empower consumers and our ISPs with the ability to protect both their privacy and their resources.

One point I want to make very clear is spam is not free. Millions of spam messages dumped into an ISP can degrade the system speeds while the servers and routers try to deliver this mail, and consumers waste, must waste time and energy deleting these messages from their computer.

For those Members that may be concerned with the legislation's impact on the first amendment to the bill, it deals only with unsolicited commercial e-mail. This bill would not have any effect on nonprofit fund-raising or any other type of e-mail communications that is not commercially related.

Mr. Speaker, since the problem spam was brought to my attention several years ago in a town hall meeting in my own district, I made it a priority to try and correct the problem we have with the Internet and return it back to my constituents.

H.R. 3113 is a tool that can now be used to filter and stop unwanted intrusions in our home and offices.

Mr. Speaker, I would like to join the gentlewoman from New Mexico (Mrs. WILSON) in thanking many of the members and the staff particularly for their work on this. I would like to thank the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), our ranking member, for all of their support in getting this legislation passed out of the full Committee on Commerce by unanimous consent.

This is an important piece of legislation. I urge my colleagues to vote in favor of stopping Internet spam.

Mr. Speaker, I reserve the balance of my time.

Mrs. WILSON. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection.

Mr. TAUZIN. Mr. Speaker, I rise in support of H.R. 3113, a bill which, for the first time, puts in place meaningful consumer protections against the receipt of spam or unsolicited commercial e-mail.

It is important, first of all, to recognize this is a truly bipartisan effort, 100 percent of the way, 100 percent of the time.

Back in November of last year, the gentlewoman from New Mexico (Mrs. WILSON), who I want to congratulate today, and as flowery a term as I can possibly imagine, she has done Herculean work to bring this to the floor. The gentleman from Texas (Mr. GREEN), like the gentlewoman from New Mexico, has worked so hard in putting together the final compromises.

The gentleman from California (GARY MILLER) who came to us earlier and asked for our consideration of his measure which has now played a significant role in the final version of this bill, along, of course, with the gentleman from Virginia (Mr. BLILEY), chairman, and the gentleman from Michigan (Mr. DINGELL), ranking member, of our committee, who have done such a good job to bring this to the floor today.

We reported the bill out of subcommittee by unanimous vote, and the same thing happened in full committee, all in voice votes, indicating strong support for this bill.

It addresses the substantive concerns of the Committee on the Judiciary as well, by the way. It makes the appropriate adjustments to title XVIII, which was proposed by the gentleman from Virginia (Mr. GOODLATTE), which criminalizes certain egregious spamming activities that will not necessarily be deterred by civil penalties.

□ 1030

In effect, this consensus legislation will protect consumers without infringing

upon constitutionally protected commercial speech. It does so by providing consumers layers of protection that, on an aggregate basis, empower the consumers to rid themselves of spam without imposing an outright ban on unsolicited electronic mail.

First, consumers will have a choice in the marketplace between the ISPs who accept spam and those who do not. Second, if a consumer subscribes to an ISP that does accept spam for dissemination, that consumer will have the right to be placed on an opt-out list administered by the ISP so spam will not be received. And, third, where a consumer not wishing still happens to receive spam, the bill requires that all spam messages contain a valid electronic mail address to which the recipient can send a reply saying no further messages.

Mr. Speaker, this is good legislation; I urge its adoption on the House floor.

Mrs. WILSON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARY MILLER), who was not only a leader in pulling this legislation together here in the House but also in California before he was elected, and I would also like to personally thank him for his assistance.

Mr. GARY MILLER of California. Mr. Speaker, it does not cost any more money to send a million e-mails than it does to send one, and that has created a skewed incentive that is harming the Internet with spam.

This is a very important issue to me. I really want to thank the gentlewoman from New Mexico (Mrs. WILSON). She has been a joy to work with, and also the gentleman from Texas (Mr. GREEN) on the Democratic side. But the gentleman from Louisiana (Mr. TAUZIN), his input has been invaluable and his commitment to getting this bill to the floor has caused this bill to be heard today.

I originally became involved in this issue 4 years ago when a constituent of mine was harmed by spam. The e-mail address for his computer business was used as a false return address for spam. His business basically was shut down for days because hundreds of thousands of responses came back and, basically, also sent from expired addresses.

This is simply an issue of unfair cost shifting. More than 90 percent of Internet users receive spam at least weekly. Thirty percent of America Online traffic is spam. For SBC communications, 35 percent of all their e-mail traffic is spam. Out of the 2 million spam messages collected by the spam Recycle Center, over 30 percent was pornography. Many parents are tired of their children pulling up e-mail messages saying "sorry I missed you," just to find out it is a pornographic response to something. Thirty percent of the get-rich schemes come through spam also, many of which target senior citizens. Much of the rest of these solici-

tions include selling information on how to become a spammer, gambling, or weight loss.

Advertisers are shifting their costs on to our constituents, and that is why we need to give Internet service providers and individuals the tools to protect themselves.

When I became a California State assemblyman, my legislation to allow Internet service providers to protect themselves from spammers became law. Internet service providers have been enforcing this anti-spam policy in court in California; and in most cases, they settle out of court and spammers stop spamming individuals.

Federal legislation is necessary. The part of this legislation that I have worked most hard on says Internet service providers can have a policy regarding spam; they can have it conspicuously posted on their policy; and they can enforce that policy in court and collect damages from spammers, \$500 per message, capped at \$25,000 per day. This forces a spammer to gain permission from the ISP or the individual recipient before the advertiser trespasses on someone's computer equipment.

It is the responsibility of Congress to stop unfair cost shifting that harms our constituents. We did it with faxes, and the problem is even more urgent with e-mail. By allowing ISPs and individuals to control spam, we will take away the ability of fly-by-night advertisers from sending something we do not want in our homes and then forcing us to pay for it. That is the ultimate insult, and it needs to be corrected. It is as bad as having somebody bill us for the junk mail we receive at home at the end of each month.

This legislation is a market-based consumer protection solution to a skewed incentive on the Internet. I urge all my colleagues to support Internet consumers, Internet service providers and e-commerce by supporting this legislation.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Internet spam will never go away. However, by passing this legislation we will be taking the first steps towards limiting its impact on the overwhelmed e-mail users everywhere.

It is my hope, as the provisions of this legislation begin to take effect, that private industry will continue to develop better and more effective software to combat spam. Our ultimate goal is to intercept and delete spam before it ever reaches the consumer's mailbox, if that is the consumer's decision. If it does make it to the recipient, then filtering software on our personal computers can take care of it.

This bill, though, will not affect those consumers who wish to receive commercial solicitations over the

Internet. For those of us who are tired of opening innocent looking e-mails only to find an advertisement for a porn site, this legislation will hopefully curb those unwanted and objectionable messages.

Mr. Speaker, I again thank my colleague, the gentlewoman from New Mexico (Mrs. WILSON), for her efforts on this legislation; and I hope the other body will act quickly to pass this important consumer protection measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. WILSON. Mr. Speaker, I yield myself such time as I may consume.

The creation and the growth of the Internet has been one of the most important developments of the second half of the 20th century. It started out as an academic research tool in the 1960s, then moved to the defense world. The Internet today has become the global communications, information, entertainment and commercial medium. All of us want to see electronic commerce flourish, and the Committee on Commerce particularly is focused on making sure that interstate and international commerce remains as free and as open as possible.

In 1996, consumers spent just \$2.6 billion in on-line transactions compared to more than \$50 billion in 1999. That explosive growth will continue. But there are some things about the new medium which create problems for consumers: when someone tries to commit fraud over the Internet; when someone tries to shift costs from the person making and selling a product to those who are carrying the e-mail; and, of course, the right of consumers to say there are some things that I just do not want to have in my in-box.

The reality is, with regular mail, we have rights under Federal law to say I do not want any more of that sent to my mailbox at the end of my road. But we do not have that right with Internet communications and with e-mail. This bill will give us that right, as consumers and as parents, to say there are some things I do not want to see in my in-box.

I am very pleased that we were able to accomplish it. I thank the gentleman from Texas for his cooperation and his help, and the gentleman from California, as well as all of the members of the subcommittee and of the Committee on the Judiciary.

Mr. DINGELL. Mr. Speaker, I rise in support of this very important consumer protection measure. My congratulations go to Representatives GREEN and WILSON, who together have crafted a solution to this insidious problem on the Internet known as "spam."

Spam, or unsolicited commercial e-mail, is no longer a mere nuisance to the 40 million Americans who use the Internet. It has rapidly become an abusive practice whereby innocent users are bombarded with commercial messages over which they have no control.

Worse, the content of these messages is often pornographic. So-called "teaser" images often appear out of nowhere, inviting the recipient to visit one adult site on the Web or another. For many people, especially families who share a computer, these spam messages are more than an intrusion, they are a personal assault.

Spam also imposes real economic costs on Internet users. Many consumers, particularly in rural areas, pay long distance charges when connecting to the Internet. The time spent downloading these unwanted messages translates into real dollars and cents paid by the consumer. And, of course, the slower the Internet connection, the greater the tab.

The consumer also pays for spam through higher costs incurred by Internet Service Providers, or "ISPs." The exponential growth in spam leaves ISPs with no choice but to expand their server capacity to accommodate the heavier traffic. These investments pose a significant, but unavoidable, burden on ISPs that many must pass along to consumers.

H.R. 3113 is a common-sense approach that will go far to putting an end to this practice. First, it permits an ISP to legally enforce its own policy with regard to whether it will accept spam or not. This protects ISPs and consumers alike. Second, it allows consumers to opt-out of receiving spam from individual senders. And finally, it empowers consumers to "just say no" to receiving future messages from a particular company when he or she has had enough.

Mr. Speaker, again I want to commend my colleagues for their diligent efforts.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 3113, The Unsolicited E-Mail Act.

The problem of junk e-mail is reaching epidemic proportions. I've received hundreds of calls and letters from constituents in my congressional district pleading with me to do something about the spam that plagues their computers.

In Silicon Valley, where e-mail is often the communication medium of choice, deleting unwanted messages has posed a significant time and financial burden.

More importantly, the proliferation of unwanted e-mail messages has raised real privacy concerns.

In 1991, Congress passed the Telephone Consumer Protection Act to restrict the use of automated, prerecorded telephone calls and unsolicited commercial faxes on the grounds that they were a nuisance and an invasion of privacy. Shouldn't we provide the same level of protection for e-mail?

Unwanted e-mail also poses a significant burden on the Internet infrastructure and on companies providing Internet access services. Unwanted and unwelcome data have flooded ISPs, considerably increasing their costs for network bandwidth, processing e-mail, and staff time.

H.R. 3113 offers a balanced and effective approach to the junk e-mail problem by ensuring that providers and consumers control their own mailboxes, and still allowing businesses to market by e-mail to the millions of consumers who desire it.

I urge my colleagues to support this thoughtful bill.

Mrs. WILSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from New Mexico (Mrs. WILSON) that the House suspend the rules and pass the bill, H.R. 3313, as amended.

The question was taken.

Mrs. WILSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## DRUG ADDICTION TREATMENT ACT OF 2000

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2634) to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment, as amended.

The Clerk read as follows:

H.R. 2634

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Addiction Treatment Act of 2000".

### SEC. 2. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following paragraph:

"(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner who is a qualifying physician as defined in subparagraph (G), of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the physician submit to the Secretary a notification of the intent of the physician to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the physician:

"(i) The physician is a qualifying physician as defined in subparagraph (G).

“(ii) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

“(iii) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

“(iv) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

“(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

“(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

“(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

“(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

“(I) The notification under subparagraph (B) is in writing and states the name of the physician.

“(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

“(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

“(ii) The Secretary shall provide to the Attorney General all information contained in such notifications.

“(iii) Upon receiving information regarding a physician under clause (ii), the Attorney General shall assign the physician involved an identification number under this paragraph for inclusion with the registration issued for the physician pursuant to subsection (f). The identification number so assigned shall be appropriate to preserve the confidentiality of patients for whom the physician dispenses narcotic drugs under a waiver under subparagraph (A).

“(E)(i) If a physician is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B)

through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

“(ii)(I) A physician who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary.

“(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to physicians, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

“(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a physician may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

“(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

“(G) For purposes of this paragraph:

“(i) The term ‘group practice’ has the meaning given such term in section 1877(h)(4) of the Social Security Act.

“(ii) The term ‘qualifying physician’ means a physician who is licensed under State law and who meets one or more of the following conditions:

“(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

“(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

“(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

“(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

“(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

“(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

“(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause shall be established by regulation. Any such criteria are effective only for three years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

“(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary may issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

“(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

“(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

“(ii) Not later than 120 days after the date of the enactment of the Drug Addiction Treatment Act of 2000, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

“(I) During the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, a State may not preclude a qualifying physician from dispensing or prescribing drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a physician from dispensing such drugs or combinations of drug.

“(J)(i) This paragraph takes effect on the date of the enactment of the Drug Addiction Treatment Act of 2000, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

“(ii) For purposes relating to clause (iii), the Secretary and the Attorney General

may, during the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, make determinations in accordance with the following:

“(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

“(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a qualifying physician may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

“(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.”

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking “section 303(g)” each place such term appears and inserting “section 303(g)(1)”; and

(2) in subsection (d), by striking “section 303(g)” and inserting “section 303(g)(1)”.

**SEC. 3. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS REGARDING DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by section 2, there are authorized to be appropriated, in addition to other authorizations of appropriations that are available for such purpose, such sums as may be necessary for fiscal year 2000 and each subsequent fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2634, the Drug Addiction Treatment Act, a bill I introduced with my colleague from Texas, the gentleman from Texas (Mr. GREEN).

I also would like to acknowledge the other early cosponsors of this bill: the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Mr. BUCHER), the gentleman from California (Mr. COX), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from North Carolina (Mr. COBLE), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Georgia (Mr. DEAL), the gentleman from New York (Mr. RANGEL), and the gentleman from Michigan (Mr. UPTON). Their assistance in opening up a new front in the war on drugs will be greatly appreciated by the many American families who have been scourged by drug abuse.

Mr. Speaker, this is a bill that helps those who can least help themselves. Let me relate some of the testimony Mr. Odis Rivers of Detroit, Michigan, shared with the Subcommittee on Health and the Environment of the Committee on Commerce last year. He has been addicted to heroin for 30 years and is undergoing treatment with a drug that this bill would help more physicians prescribe to their patients.

He told the subcommittee that he was back with his wife and family and was enjoying the support of his family. He had won their respect and could again assume his rightful place in their family. As the Detroit Free Press stated on October 3 of last year, this seems like the kind of legislation that should be passed, especially in light of the new University of Michigan research showing that heroin use among teens doubled from 1991 to 1998.

Narcotics traffickers in Colombia, one of the main heroin producing countries for the United States, have been able to broaden their consumer base by offering increasingly pure forms of the drug at lower cost, which has broadened the reach of this drug. Heroin-related emergency room visits have more than quadrupled within the past decade among Americans age 12 to 17. Although the House recently approved \$1.3 billion to assist Colombia in drug interdiction, we still have to be concerned about what to do once drugs get through our borders.

This legislation will not solve the drug addiction problem. It does not address the multiplicity of societal concerns that have led to addiction. It

does not solve all the problems that keep individuals and families enslaved and encumbered by addiction, but it makes a start.

I ask my colleagues to help someone in their community break from heroin. Join me in voting for H.R. 2634.

Mr. Speaker, I want to also take this opportunity to thank the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, for his assistance in bringing this legislation to the floor. I am including in the RECORD an exchange of correspondence between our two committees regarding H.R. 2634.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, October 25, 1999.

Hon. TOM BLILEY,  
Chairman, House Commerce Committee,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: I am writing to you concerning the bill H.R. 2634, the Drug Addiction Treatment Act of 1999.

As you know, this bill contains language which falls within the Rule X jurisdiction of this committee relating to the Controlled Substances Act. I understand that you would like to proceed expeditiously to the floor on this matter. I am willing to waive our committee's right to mark up this bill. However, this, of course, does not waive our jurisdiction over the subject matter on this or similar legislation, or our desire to be conferees on this bill should it be subject to a House-Senate conference committee.

I would appreciate your placing this exchange of letters in the Congressional Record. Thank you for your cooperation on this matter.

Sincerely,

HENRY J. HYDE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, October 21, 1999.

Hon. HENRY HYDE,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR HENRY: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 2634, the Drug Addiction Treatment Act of 1999.

I acknowledge your committee's jurisdiction over this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Judiciary Committee with respect to its jurisdictional prerogatives on this or similar legislation, and will support your request for conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

TOM BLILEY,  
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Virginia for turning his attention to the issue of addiction and

for providing this body an opportunity to focus on it. Addiction is the number one killer in the United States.

As it happens, the substance that lends addiction that distinction is not heroin but tobacco. Tobacco is responsible for 400,000 deaths a year. Regardless of the substance, though, the message is the same: addiction can kill. The Nation is well served by efforts to combat addiction to killer substances like heroin and tobacco.

I appreciate the gentleman's interest in the heroin treatment initiative contained in this bill. I fully support the spirit of the bill as captured in its title. To win the war against drugs, however, we need to pay as much attention to the demand side of the equation as we do to the supply side. Fighting drugs means fighting drug producers and drug dealers. It also means preventing addiction, and it means treating addiction. In the context of this bill, that means expanding treatment options for heroin addiction.

□ 1045

Last week, 600,000 Americans used heroin. Last year, 80,000 people were admitted to hospital emergency rooms around the country because of heroin.

There is wide agreement among researchers that heroin is the most underreported of all controlled substances in terms of usage. Some researchers believe as many as three million Americans are heroin abusers. And increasingly, those users are younger and younger.

In 1980, a street bag of heroin was 4 percent pure. Today the average street bag ranges from 40 to 70 percent purity. The drug is stronger. It can be introduced in the body in more ways and still produce a high.

Teenagers who would normally shy away from injecting heroin perceive snorting and inhaling as a safe means of using heroin. They do not think it can kill them. They do not even think it can make an addict of them. They are wrong. Those misconceptions are beginning to show up in the statistics.

Substance abuse counselors are reporting it has been years since they have seen so many cases of heroin addiction among teenagers and young adults.

Buprenorphine can be part of the solution, but there is more to it than that. If we want to fight heroin addiction, if we want to fight drug addiction, we need to reauthorize the Substance Abuse and Mental Health Services Agency, or SAMHSA.

SAMHSA has one of the most difficult jobs of any Federal agency, to reduce the demand for illicit drugs and in that way to save lives.

I am pleased to be an original cosponsor of legislation to reauthorize SAMHSA, H.R. 4867, introduced by my colleague the gentlewoman from California (Mrs. CAPPS).

Mr. Speaker, by reauthorizing SAMHSA this year, we can secure the foundation upon which the success of H.R. 2634 and other legislation devoted to the treatment of drug addiction depends. It is fortunate, then, that the author of H.R. 2634, my respected colleague the gentleman from Virginia (Mr. BLILEY) is in a position to influence whether this body takes action on the bill that the gentlewoman from California (Mrs. CAPPS) has introduced.

The bill of the gentleman from Virginia (Mr. BLILEY) is a modest and a good step. CBO estimates that it may help 10,000 low-income addicts receive treatment. Unfortunately, the need for heroin treatment surpasses that figure 30 fold.

The gentleman from Virginia (Mr. BLILEY) I hope will fulfill the promise of H.R. 2634 by working to ensure committee consideration and passage of the SAMHSA reauthorization bill offered by the gentlewoman from California (Mrs. CAPPS) on a timely basis before we go home.

With all due respect and gratitude to my friend from Virginia, the real drug addiction treatment act is the SAMHSA reauthorization.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 2634, the Drug Addiction Treatment Act of 1999.

H.R. 2634 is designed to amend specific sections of the Controlled Substances Act for practitioners who dispense narcotic drugs as part of a treatment program. In doing this, it seeks to assist qualified physicians in treating their addicted patients, to speed up approval of narcotic drugs for addiction treatment purposes, and offers treatment options for those Americans for whom other treatment programs are financially out of reach.

This legislation waives the current regulation that physicians obtain the prior approval of the Drug Enforcement Administration, to receive the endorsement of State and regulatory authorities, and dispense only drugs that have been pre-approved by the Food and Drug Administration. This waiver process only applies to those registered physicians who are qualified to dispense controlled substances to treat opiate-dependent patients.

The bill contains a number of safeguards that are designed to prevent abuses of the waiver procedure. The Secretary of Health and Human Services may deny access to the waiver process for any drug the Secretary determines may require more stringent physician qualification standards or more narrowly defined restrictions on the quantities of drugs that may be dispensed for unsupervised use. Physicians also face losing their registration status or even criminal prosecution for violations of the waiver process. Finally, after 3 years, the Attorney General and the Secretary may end availability of the waiver if they determine the process has had adverse public health consequences or to the extent it has led to violations of the Controlled Substances Act.

Mr. Speaker, drug treatment programs form an important component of our national war on drugs. In order for this war to be effective,

both demand and supply must be reduced simultaneously. Treatment programs can be an effective method of reducing demand, but require enormous commitment on the part of both doctor and patient. This is especially true for those addicted to opiate narcotics.

This legislation will make it easier for doctors to treat those difficult addiction cases, without permitting gross abuses of the waiver system. The end goal is more successful treatment programs, with shorter durations and lower recidivism rates.

It is important that we utilize all available tools in the war against drugs. For this reason, I urge my colleagues to lend their support to H.R. 2634.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2634, the Drug Addiction Treatment Act. I want to acknowledge the leadership and effort on this issue that has been put forth by my good friend and colleague from the other body, Senator CARL LEVIN. His longstanding interest and acknowledged expertise in the development of effective treatments for drug addiction have been important influences in my deliberations on this matter. I thank him.

Indeed, the language before us contains a number of changes to the bill reported out of the Commerce Committee. These changes reflect provisions adopted and passed by the Senate and represent improvements in the bill.

Mr. Speaker, none of us should leave here thinking that we have done as much as we should to tackle the scourge of drug addiction in this country. Statistics on heroin addiction alone show that interdiction is not completely effective. The advent of narcotic treatments such as buprenorphine are important tools in the panoply of strategies to meet and defeat the drug addiction problem. The bill before us is a modest measure and I challenge us to do more, much more, before we adjourn this session.

Mr. Speaker, my colleague and good friend, Representative CAPPS has introduced legislation to reauthorize programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). I urge swift action on this bill. SAMHSA provides the crucial safety net of programs for those who lack the means to obtain treatment elsewhere. Importantly, SAMHSA's programs address virtually all addiction issues and are not limited to the heroin alone. SAMHSA also provides important prevention programs, unlike the bill before us today. SAMHSA's programs also address co-occurring substance abuse and mental health disorders.

Finally, SAMHSA provides the resources necessary for many of those who are in the "treatment gap" to obtain needed services. Today we will hear about stigmas and red tape. In my view, the most significant factor in the treatment gap is lack of adequate resources for those who need treatment. The promise of buprenorphine will be lost on low income persons unless we provide access to treatment for them. The bill before us does not address this important issue, however, Representative CAPPS' bill does, so I hope we will move as expeditiously on that legislation as we are on this legislation. Chairman BLILEY and Chairman BILIRAKIS both promised action on SAMHSA during the hearing and markup of H.R. 2436. Today I remind them of that promise and express my hope that they will take up



Representative CAPPs' bill as soon as possible.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 2634, and I commend Chairman BLILEY for introducing it and shepherding it to the floor of the House today.

As a family physician, living and working in a district that is medically underserved, I often had to provide coverage to the Methadone Program in our Department of Health. I saw first hand how the use of such drugs could provide an option for treatment which would allow persons suffering from heroin addiction to reconcile with their families, return to work and live productive lives once again.

I also saw how under some circumstances, the need to travel distances on a daily basis to be medicated was in direct conflict with requirements in the workplace, and how it hampered the full reentry of some patients into society.

Drug addiction plagues many in our communities. It destroys individuals, families and undermines those communities. IV drug use, often associated with heroin use, also transmits the HIV virus and thus contributes to the scourge of AIDS.

Today, addicted persons seeking treatment are often turned away. This bill will enable more people to receive treatment, and it will save lives, heal families and support wholesome communities.

I am pleased to support H.R. 2634, and I ask my colleagues to support its passage.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I urge adoption of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 2634, as amended.

The question was taken.

Mr. BLILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### INTERNATIONAL PATIENT ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2961) to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "International Patient Act of 2000".

#### SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

"(2) PERIOD.—

"(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

"(B) 3-YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

"(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B)) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

"(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

"(II) a statement from the health care facility containing an assurance that the alien's treatment is not being paid through any Federal or State public health assistance, that the alien's account has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

"(III) evidence of financial ability to support the alien's day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

"(ii) who—

"(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

"(II) entered the United States accompanying, and with the same status as, such principal alien.

"(C) WAIVER LIMITATIONS.—

"(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

"(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

"(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than 1 adult may be granted a waiver under subparagraph (B)(ii).

"(II) Not more than 2 adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

"(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

"(bb) 1 such adult is age 55 or older or is physically handicapped.

"(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY.—

"(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

"(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in which an annual report under clause (i) is past due and has not been submitted."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2961.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor H.R. 2961, the International Patient Act of 2000, a bill introduced by our colleague, the gentleman from Texas (Mr. BENTSEN).

Aliens who seek to visit the United States temporarily for business or pleasure are admitted to the United States under "B" visas. B-1 business visas are initially valid for up to 1 year and can be extended in increments of not more than 6 months each. B-2 visas are initially valid for up to 1 year and can also be extended in increments of not more than 6 months.

The visa waiver program allows aliens traveling from certain countries to come to the United States as temporary visitors for business or pleasure without having to obtain "B" visas. However, a visit cannot exceed 90 days and no extensions are available.

The Attorney General can authorize an alien admitted under the visa waiver program who faces an emergency situation to remain in the United States for 120 days beyond the initial 90-day admission under voluntary departure. While the 210-day period provided by the initial 90-day admission and the 120 days under voluntary departure is adequate to deal with most emergency situations, it does not meet the need of a relatively few aliens who are admitted to the United States under the visa waiver program and are receiving long-term medical treatment.

H.R. 2961 would address this problem by establishing a 3-year pilot program authorizing the Attorney General to waive the 120-day cap on voluntary departure for a limited number of patients and attending family members

who enter the U.S. under the visa waiver program.

The legislation contains safeguards to ensure only those truly in need of long-term medical care can obtain such a waiver.

An alien seeking a waiver would be required to provide a comprehensive statement from their physician detailing the treatment sought and the alien's anticipated length of stay in the United States.

In addition, the alien and attending family members would be required to provide proof of their ability to pay for the treatment and their living expenses.

The bill caps the total number of waivers at 300 annually and limits the number of family members who can enjoy the benefits of a waiver.

The bill also requires the INS to provide Congress with an annual report detailing the number of waivers granted each fiscal year and provides for the suspension of the Attorney General's authority if an annual report is past due.

The only change made to the bill from the version reported by the Committee on the Judiciary is that the starting date of the 3-year pilot program is advanced to October 1, 2000.

H.R. 2961 is drafted to meet the compelling needs of international medical patients without creating any undue risk or abuse.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman for moving this legislative initiative along and, as well, the chief sponsor of this legislation, my colleague, the gentleman from Texas (Mr. BENTSEN), for his insightful leadership on this very, very important issue.

This bill is an excellent compromise for a very harsh provision that the INS had in place that really did damage to those individuals who needed important and urgent medical help. And so this particular legislation allows for the discretion of the Attorney General to extend the stay of many who are securing important medical health or other urgent matters. It allows this country to be a nation of laws as well as a nation with humanity.

So again, Mr. Speaker, I thank you and I thank my colleague because this particular legislation would create a 3-year pilot program under which the Attorney General would have the discretionary authority to waive the 120-day limit on grant of voluntary departure. I think that this, as I said earlier, is a good idea. Aliens entering the United States temporarily for prearranged, personally financed medical treatment generally are admitted as non-immigrant visas.

If eligible, they may do this under the visa waiver pilot program. This program allows aliens traveling from certain designated countries to come to the United States as temporary visitors without having the immigration documentation normally required to enter the United States.

In many instances, these particular visitors are coming on emergency, needing a heart transplant or needing an organ transplant or having a devastating disease.

Visitors entering under the visa waiver program are admitted for 90 days, after which they become deportable. What a crisis if they happen to be in the midst of their recuperation or their physician has indicated that they cannot travel or they need to be under the medical facility.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 created the 120-day limit on voluntary departure grants. It is harsh and unreasonable to have a limit on this privilege that operates without regard to the circumstances of the alien's situation.

This bill would correct this problem with respect to aliens who are in the United States under the visa waiver program and need additional voluntary departure time for medical treatment.

An infinite number of unexpected problems can occur, particularly during a visit to a foreign country. For instance, the alien may have to stay beyond the additional 120-day period while waiting for assistance from his consulate office on a legal matter, such as dealing with a car accident and determining the time that they should leave or that all legal matters have been handled.

This bill is needed to prevent people from being departed who have serious medical conditions.

Coming from a community that has in it one of the most outstanding medical centers in the Nation housed in the 25th Congressional District, that of my colleague and sponsor of this bill, the gentleman from Texas (Mr. BENTSEN), we are aware of the international responsibilities that our medical center has taken on in providing care for so many of those who have come to seek help to extend their lives and to then live quality healthy lives.

It is aptly named the International Patient Act because it allows visitors from around the world to temporarily remain in the United States to seek medical treatment. It really puts the United States in the context of which we want to be known, that of a world leader, that of a country of laws, as I indicated, but a country that is a great humanitarian or views humanity in the sense of being sensitive to their need.

Therefore, Mr. Speaker, I do support this legislation and would hope that we would be able to have our colleagues pass this legislation to ensure that others may be protected.

Mr. Speaker, the bill proposed by my colleague from Texas, Congressman BENTSEN, would create a three-year pilot program under which the Attorney General would have discretionary authority to waive the 120-day limit on grants of voluntary departure. I think this is a good idea.

Aliens entering the United States temporarily for prearranged, personally financed medical treatment generally are admitted as nonimmigrant visitors. If eligible, they may do this under the Visa Waiver Pilot Program. This program allows aliens traveling from certain designated countries to come to the United States as temporary visitors without having the immigration documents normally required to enter the United States. Visitors entering under the visa waiver program are admitted for 90 days, after which they become deportable.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") created the 120-day limit on voluntary departure grants. It is harsh and unreasonable to have a limit on this privilege that operates without regard to the circumstances of the alien's situation.

The bill would correct this problem with respect to aliens who are in the United States under the visa waiver program and need additional voluntary departure time for medical treatment.

An infinite number of unexpected problems can occur, particularly during a visit to a foreign country. For instance, the alien might have to stay beyond the additional 120-day period while waiting for assistance from his consulate office on a legal matter such as dealing with a car accident.

This bill is needed to prevent people from being deported who have serious medical conditions. It is aptly named the International Patient Act because it allows visitors from around the world to temporarily remain in the United States to seek medical treatment. I support this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the gentleman for yielding me this time.

Mr. Speaker, today the House considers H.R. 2961, the International Patient Act, bipartisan legislation which I introduced at the request of several of the institutions of the Texas Medical Center in my congressional district to address the time limitation placed on international patients and attending family members who remain in the United States while receiving medical treatment. I am grateful to the Texas Medical Center in Houston for bringing this important issue to my attention. I am also grateful to the gentleman from Texas (Mr. SMITH) and the gentleman from Texas (Ms. JACKSON-LEE) for their assistance in putting this legislation together and bringing it to the House floor.

Many international patients who obtain prearranged care in the United States require long-term medical treatment and lengthy hospital stays. However, a provision in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act instituted a time limit on voluntary departure status that has restricted health care facilities from providing sufficient care to some patients.

Each year, hospitals and health facilities across the United States provide prearranged treatment and health care assistance to more than 250,000 international patients who come from many nations around the world. At the Texas Medical Center in Houston, Texas, more than 25,000 international patients are seen each year. These patients come to the United States because of the high quality health care that is the best in the world.

Since the 1996 immigration reforms were enacted, many medical patient visitors have entered the U.S. under the visa waiver program, which allows a maximum 90-day stay. After 90 days these patients and their attending family members are eligible to apply for voluntary departure which allows an additional stay of 120 days. Upon completion of the 120 days, these individuals must request, quote, "deferred action status," which allows them to stay in the United States for an extended period but places them under illegal status. Consequently, these patients, whose lives are often dependent on return visits to the United States for further medical treatment, are barred from entering the United States from between 3 to 10 years.

After I brought this issue to the attention of the Immigration and Naturalization Service and the Department of State, each agency has worked to strengthen their staff knowledge of medical patients and to better screen prospective international patients at U.S. embassies and during inspections. However, due to the relaxed rules governing participation in the visa waiver program, many patients have continued to come to this country unaware of its strict length-of-stay restrictions.

Mr. Speaker, I was a strong proponent of the immigration reforms passed by the Congress and signed by the President in 1996. Overall, I believe these were tough but needed reforms that cracked down on illegal immigration. I have worked closely with law enforcement authorities in my district to clamp down on illegal immigration, and I have supported legislative efforts to provide the INS with the resources to safeguard the integrity of our borders while also holding the agency to high professional standards of law enforcement. In this case, though, I believe it is entirely appropriate to make a concession to the small number of international patients who travel to the United States for lifesaving treatment.

The bill I am offering today would authorize a 3-year pilot program allowing the U.S. Attorney General to waive the voluntary departure 120-day cap for a very limited number of international patients and attending family members who enter the U.S. under the visa waiver program. It would implement a tough, restrictive process to these patients to ensure that only those truly in need of long-term medical care could obtain such a waiver. This legislation would require these patients to provide comprehensive statements from attending physicians detailing the treatment sought and their anticipated length of stay in the United States.

In addition, the patients would be required to provide proof of ability to pay for their treatment and the daily expenses of attending family members. This legislation would strictly limit the number of allowable family members and limit the total number of waivers to 300 persons annually. To safeguard against fraud and abuse, this legislation would require the INS to provide Congress with an annual status report detailing the number of international patients waivers allowed each fiscal year. Should the INS fail to release this data, Congress would be authorized to discontinue these waivers.

In drafting this legislation, I consulted with the Texas Medical Center and a number of its member institutions to determine an accurate, workable number of waivers for the bill. After contacting a number of medical institutions throughout the United States, the Texas Medical Center estimated that approximately 1,000 annual waivers would be needed to meet the total number of international patients who fall out of legal immigration status due to long-term health care needs. Despite this estimate, I believe the 300 annual waivers provided for in this bill will provide an adequate starting point to address this situation and provide an appropriate safeguard against fraud and abuse, and additionally will give us the information necessary should this have to be reviewed in the future.

Mr. Speaker, I realize there are many Members who are hesitant to make changes to the immigration law Congress adopted in 1996. I know that I am loath to do anything more than a surgical fix to the underlying statutory scheme. However, I am convinced that the reforms enacted in 1996 were not intended to target nonimmigrant visitors who enter the country to receive preapproved, lifesaving medical treatment. I believe we have an obligation to protect the status of legal international patients who owe their lives to the high-quality medical care they receive in the United States.

Working together in a bipartisan manner, we have taken great strides in strengthening our immigration laws. We should not allow our hard work to be diminished by the unintended con-

sequences of otherwise highly effective immigration reforms.

I urge my colleagues to join me in supporting this important effort. Once again I want to thank the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their assistance on this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to again congratulate my colleague from Texas. He has worked very hard on this legislation. I would only offer to say that we hope that the visa waiver program that is intimately connected to this legislation can be passed by the United States Senate so that we can move this legislation along. Additionally, I think it is very important that as we look at the provisions in this legislation that there are 300 allowances, that we have the opportunity to review it and maybe move the numbers up to cover the great need for people to receive medical care.

Ultimately, I think we will have to come to this floor and fix many elements of the 1996 immigration reform law to prevent mandatory detention and other problems that have been with that legislation. I hope this is the first step.

I congratulate the author of this legislation. I would ask my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2961, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RIGHT-TO-KNOW NATIONAL PAYROLL ACT

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1264) to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

The Clerk read as follows:

H.R. 1264

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Right-To-Know National Payroll Act".

**SEC. 2. DISCLOSURE OF FICA AND MEDICARE TAX ON W-2 FORM.**

(a) IN GENERAL.—Subsection (a) of section 6051 of the Internal Revenue Code of 1986 (relating to requirement of receipts for employees) is amended by striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting a comma, and by inserting after paragraph (11) the following new paragraphs:

"(12) the total amount of tax with respect to the employee imposed on such person under—

"(A) section 3111(a),

"(B) section 3111(b),

"(C) so much of the tax imposed under section 3221(a) as relates to section 3111(a), and

"(D) so much of the tax imposed under section 3221(a) as relates to section 3111(b), and

"(13) the total amount of tax with respect to the employee for old-age, survivors, and disability insurance and for hospital insurance, which is the sum of—

"(A) each of the amounts shown under subparagraphs (A) through (D) of paragraph (12), plus

"(B) the amount shown under paragraph (6)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to remuneration paid after December 31, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

**GENERAL LEAVE**

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think every Member would agree that our American workers pay too much in taxes, and with a \$2.2 trillion surplus it is time for Washington to give our workers relief from a crushing tax burden. Unlike most Democrats, I believe our workers have earned a tax refund. I also think they are entitled to know the whole truth about how Washington secretly takes more of their hard-earned money than they might realize.

Many workers simply do not realize the actual tax burden that Washington imposes on them. For instance, as every working American probably knows, each January we get a W-2 form. This W-2 form shows how much money we made and how much we paid in taxes during the previous year. But the W-2 simply does not show the whole picture. It fails to show how

much tax your employer pays to Washington on your behalf.

□ 1115

Many people are not aware that half of all of their payroll taxes, which are separate from their income taxes, are paid by the employers. In fact, yesterday I met with communications workers in my district who complained that their payroll taxes were too high and yet they did not realize that Washington takes the same amount from their employer, too. That is because current W-2s do not show the employer's share of the payroll tax burden.

This is a typical Washington sleight of hand. The money they take from an employer is money that could have gone to the employee, either by increasing their take-home pay or providing better retirement or health benefits.

Why does one think they hide it? Because they know that once the truth is out, bureaucrats cannot keep spending everyone's money to increase the size of government. This bill will change that by showing America the whole truth.

In this legislation, the Right-to-Know National Payroll Act, employers will disclose their share of Social Security and Medicare taxes on each of our annual W-2s. This common sense legislation should have been law last year but the President vetoed it, along with much-needed other tax relief.

So I am pleased that we are able to address this issue once again. Working Americans have a right to know the total amount of their paycheck that goes to Washington and they have a right to know the true extent of their payroll tax burden. It is clear that Washington takes too much money from our workers and it is time to let the sunshine shine on Washington's book of tricks.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Michigan (Mr. HOEKSTRA), the sponsor of this bill.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague, the gentleman from Texas (Mr. SAM JOHNSON), for yielding me this time.

Mr. Speaker, for 7 out of 10 households, the FICA tax, also known as the payroll tax, is the greatest of all taxes that they pay. Yet half of the payroll tax is hidden from the employee's view.

Current law requires employers to annually issue all of their employees a W-2 form, a written statement that shows their total wages and the amount withheld in taxes for the previous year. However, the information on American workers' W-2s does not tell the whole story. The 12.4 percent Social Security tax and the 2.9 percent Medicare tax are split equally between employers and employees. Current W-2s disclose only the employee's half of the cost of these programs.

Many workers are probably unaware of this employer contribution to Social Security and Medicare, which my colleague from Texas just pointed out, which also makes them unaware of how much their employment actually costs. It is possible that if the employer were not required to pay payroll taxes, or if the payroll tax was reduced, a portion of this money might go to the employee. Not only does this lack of information hide from employees the true cost of their employment but it also makes them uninformed about how much of their paycheck funds two government programs which are vital for their retirement security, Social Security and Medicare.

The Right-to-Know National Payroll Act would require employers to simply disclose their share of both Social Security and Medicare taxes on each employee's annual W-2. Implementing the right-to-know payroll form is as simple as changing the format of a current W-2 form because employers actually calculate these costs annually. For employers, the right-to-know payroll form helps workers understand the constraints employers face when seeking to create jobs, increase pay and compete effectively in a global economy, and shatters the myth that taxes and mandates can be placed on employers without affecting the workers themselves.

For workers, the right-to-know payroll form allows them to compare the benefits and costs of various government programs and helps to raise the awareness of employment-related public policy and how it affects their jobs.

Language from the Right-to-Know National Payroll Act was included in the Financial Freedom Act of 1999. The concept has been endorsed by the Cato Institute and The Heritage Foundation. I thank the Committee on Ways and Means for bringing it back up today.

The Right-to-Know National Payroll Act came out of discussions I had several years ago with the Mackinac Center of Public Policy in Michigan. The Mackinac Center thought it was important for workers to know the total cost of taxes and government programs and developed the right-to-know payroll form for use by employers. The right-to-know payroll form is now being used by hundreds of businesses across the country and by the State of Michigan.

The purpose of this legislation is simple. For too long, the government has taken taxes from employers and hidden this information from employees. It is time to give employees information about the full cost of their Federal benefits. I urge my colleagues to support H.R. 1264.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDI).

Mr. TANCREDI. Mr. Speaker, I rise in support of H.R. 1264, the Right-to-

Know National Payroll Act, offered by my friend, the gentleman from Michigan (Mr. HOEKSTRA).

In Colorado, there was an employer who at one point in time opened two windows giving his employees payments in cash at one window for all the time. They went to the next window and he took from them the taxes they had to pay back. The fact is that IRS made him stop that practice because it was too truthful. They had to know exactly what was being paid. The employer wanted the employees to know how much they were making, how much it was costing him to employ them so he gave them their total payment in cash. They moved to the next window, as I say, and they had to pay back their income taxes, their State taxes and their Social Security taxes so that they would have a sense of exactly what it was that taxes were costing them.

Now, this only went on for a relatively short time until, as I say, the IRS stepped in and said this cannot be done. They disallowed it. But from my point of view, this proposal, the proposal of the gentleman from Michigan (Mr. HOEKSTRA), H.R. 1264, is in the vein of full disclosure.

As the previous speakers have alluded to, this will help workers understand the constraints employers face when seeking to create jobs, increase pay and compete effectively in a global economy, and it shatters the myth that taxes and mandates can be placed on employers without affecting workers themselves.

More importantly, it allows workers to compare the benefits and costs of various government programs and helps raise awareness of employment-related public policy and how it affects their jobs.

I want to stop there, for the previous speakers have talked about the merits of the legislation. The support and the news articles that it has received from those around the country speak for itself, but I want to turn to the problem of hidden taxes.

Today, the average Federal tax burden is around 20 percent but, of course, it is not the true cost of taxation. We still have State and local taxes, as well as thousands of dollars in so-called hidden taxes; taxes the Americans pay but never see, primarily because they have been added to the cost of goods and services or resulted in a reduction in pay.

These include hotel taxes added to the cost of the hotel room; stadium taxes included in the price of a baseball or football ticket; highway and airport taxes added to the cost of gas and airline tickets.

It also includes the employee's burden of financing Social Security and the Medicare system, for workers are being deceived when taxes are imposed on business. A careful employee can

look at the pay stub and figure out that Social Security and Medicare payroll taxes consume 7.65 percent of his income, but will he or she know that another 7.65 percent is being paid on his behalf by his employer?

This is money that otherwise would go to the employee's paycheck. Sadly, the worker never knows it exists in the first place. It is because of this and some estimate that the average taxpayer, in reality, pays over 40 percent of his or her income in taxes. This is an abomination. As many of my colleagues here in the House know, and I know, I was elected to Congress in an effort to reduce the tax burden on the American families and to reduce the size of government. We are all making strides in this regard.

A great deal of work certainly remains to be done in the area of hidden taxes. The bill we are considering today starts the process of informing the public about hidden taxes and lets them know that both themselves and their employers contribute to the solvency of the Social Security and Medicare funds. I urge my colleagues to support this good government legislation, and I thank my good friend, the gentleman from Michigan (Mr. HOEKSTRA) for bringing the bill to the floor.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was asked about 15 minutes ago to manage this bill. We apparently on this committee could not find anyone to manage this piece of legislation. No one thought it was significant enough to take the time to manage so I kind of am stuck with this responsibility. My understanding of this legislation is that right now on the W-2 forms there is an aggregate number of the FICA tax and the HI tax, and what this basically will do will break it up into employer/employee taxes.

Now, bear in mind that the information is already provided by the Social Security Administration. Beginning this year, the Social Security Administration will be sending out, on an annual basis, to everybody that pays the payroll tax the aggregate amount over the lifetime of the individual of both the HI tax and the payroll tax, the FICA tax, and broken down from management, or the employer and employee side.

So that information is provided. There is no secrecy involved in it. It will be provided to every taxpayer, every employee, on a lifetime basis every year. So there is no secret to it.

In fact, what this will do is probably put an additional small burden on the employer, because now the employer perhaps will have to go back to the computers and make some adjustments, but I guess that is not an unfunded mandate although I am not quite sure. It could be an unfunded mandate, but I do not think anybody

will object to it because it is not that big of a deal. Most employers will probably be able to do it.

I might also say, just to have no misunderstandings about this, that we are not going to oppose this legislation. The more information to the public, the better off we are, and if breaking it down from employer, employee side gives more information to the average citizen, more to it.

The only problem is that I did hear on the other side, as I was coming in, that the whole issue of true costs, then people will be able to figure out the real true costs, and obviously rate of return they are going to get but this really will not have any relevance to that because I have done a lot of studies on Social Security. And the fact of the matter is that right now the overhead costs on one's Social Security benefits, the money coming in and going out, is about 1 percent. We have done some studies, had some hearings in the Committee on Ways and Means, the Subcommittee on Social Security, and we find that actually the costs of maintenance, if one privatizes and actually invests in the private market, is about 20 percent, because there are fund managers and all of that, and we are not going to put that on that W-2 form because that would be too much trouble. Then once there are the aggregate benefits in the trust fund and one is ready to retire then they have to amortize the account. That will cost another 20 percent. So we are talking anywhere from 35, 40, maybe even 45 percent, in terms of the overall cost if the Social Security system is privatized; whereas the overall cost is 1 percent in terms of the current Social Security system.

So this does not give anybody any comparison. Again, as I said, the more information the better off we are and so we are not going to oppose this.

Just in conclusion, it would be my hope that we begin to focus on the real issue of Social Security, is that how do we deal over the next 35 years with the fact that we are going to have a 25 to 30 percent shortfall in the Social Security system? That is a big issue, and we need, on a bipartisan basis, to come up with a solution to that, because that is going to hit us much sooner than we expected. The reality is that we cannot leave the uncertainty in the system that we currently have.

□ 1130

Mr. Speaker, I urge a ye vote on this resolution, and I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume to just remind my colleagues that we are trying to put sunshine on the issue, and it was a Republican Congress that started this by making the Social Security Administration report at all.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA) for closing.

Mr. HOEKSTRA. Mr. Speaker, just to make sure there is no misunderstanding between us and our colleague from California, currently a W-2 form does not require the employer's share to be reported, so the W-2 form only lists the employee's share.

What this legislation will require is that on the W-2 form, both the employer and the employee's share of the FICA tax will be listed. This will allow employees to fully understand the true cost of their employment. This is a process that a number of people have already taken steps toward; that this is good government. Hundreds of companies are doing this. The State of Michigan has added this in.

Mr. Speaker, I thank my colleague from the other side of the aisle for encouraging a "yes" vote in support of this.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 1264.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ALFRED RASCON POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4430) to redesignate the facility of the United States Postal Service located at 11831 Scaggsville Road in Fulton, Maryland, as the "Alfred Rascon Post Office Building."

The Clerk read as follows:

H.R. 4430

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ALFRED RASCON POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, and known as the Savage Post Office, shall be known and designated as the "Alfred Rascon Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Alfred Rascon Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

#### GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4430.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just last week we began what today evolves into a 3-day process of considering and ultimately passing a number of pieces of legislation designed to extend the honor of the naming of a postal facility after what we like to believe and, in fact, do firmly believe are very deserving Americans.

I stated yesterday on the floor of this House that we owe our thanks on the subcommittee to people like the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), and his staff for their efforts, but also to those Members from across the country who I think do such an admirable job in searching out and bringing to us the names of individuals who do, indeed, deserve this particular honor.

It is interesting to me that while all of them are very, very special individuals, they are all very unique. Today, for example, as we consider the first of what we all hope will be four such initiatives, we see the uniqueness of each individual and each nominee that is represented in all of the four bills.

Today, I would like to begin by thanking the gentleman from Maryland (Mr. BARTLETT) for leading us down the right path in that regard.

As the Clerk designated, Mr. Speaker, this legislation was introduced on May 11 of 2000 and seeks to name the postal facility located at 11831 Skaggsville Road in Fulton, Maryland, as the Alfred Rascon Post Office Building.

Mr. Rascon is a very special individual for a number of different reasons, Mr. Speaker, not the least of which is the very successful life that he has led, coming to this country as he did from his birthplace in Chihuahua, Mexico, and ultimately accruing in this, his new homeland, a remarkable record of bravery and of citizenship. In fact, Mr. Rascon was just recently awarded the Congressional Medal of Honor for his heroic efforts as well as the serious injuries he received during his tour of duty in South Vietnam where the record that I have had the honor and the privilege of reading speaks very clearly about his valor, about his courage on behalf of his fellow soldiers and his wounded squad members in his attempts to save their lives.

We do have the main sponsor of this legislation, the gentleman from Maryland (Mr. BARTLETT), with us, so I do not want to go on at great lengths and

take away from both the time and, of course, the substance of his comments.

So, Mr. Speaker, with a final word of appreciation to the gentleman from Maryland and a final word of appreciate to a very special man in Mr. Rascon, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4430 for the naming of this post office. Also, to speak in general in terms of the post office naming bills that are in front of us today which I hope will receive positive support here on the House floor. Three of these four have met the committee requirement for complete delegation sponsorship. One has not, but will be the subject of some dialogue, I am sure, about that. But nonetheless, all honor very worthy Americans.

The gentleman that this bill would seek to name a post office in honor of is someone who has served our country well. Even though born in Mexico, he served in the Armed Forces, was seriously wounded, and is still serving our government in the selective service system. We are going to hear more about him from the prime sponsor; but as for my side of the aisle, we fully support this legislation and hope that it receives the support that will ensure its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. BARTLETT), who, as I mentioned before, is the lead sponsor and author of this particular legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in support of H.R. 4430, which renames the post office in Savage, Maryland, after one of my constituents, Mr. Alfred Rascon. Mr. Rascon received the Congressional Medal of Honor on February 8 of this year for his gallantry during the Vietnam War. He served as a Specialist 4 medic to a reconnaissance platoon in the 173rd Airborne Brigade. On March 13, 1966, Mr. Rascon's platoon came under heavy fire from a numerically superior force while moving to reinforce another battalion. Disregarding his own safety, Mr. Rascon ran to assist his fellow soldiers under heavy enemy fire. He was wounded numerous times, fell on fellow soldiers three separate times to shield them from heavy machine gun and grenade attacks with his own body, and yet, continued to search for more wounded comrades to assist. He later refused aid for himself or to be evacuated and continued to provide assistance to his fellow soldiers.

The paperwork for Mr. Rascon's original recommendation for the Congressional Medal of Honor was lost in the Pentagon and was only recognized recently due to the efforts of members



of his platoon who testify to this day that they are alive only because of Mr. Rascon's heroism. I was pleased to assist in remediating this problem, and I am pleased to pay him tribute now by naming the post office in Savage, Maryland, in his honor.

I would like to thank Mr. Rascon and his wife for being here with us in the gallery today. I thank them very much more honoring us with their presence.

Mr. Speaker, we live in a world today where role models for our children abuse drugs, break the law, or act totally out of self-interest. It is men like Alfred Rascon who show us what role models are supposed to be. He regarded the lives of his comrades as more important than his own and acted totally out of his care for them. Even after being wounded, he did not stop seeking to help them. He considered his own life as forfeit and completely sacrificed himself. He did not seek attention when his paperwork was lost in the Pentagon, nor did he seek that this post office be renamed for him. Indeed, in no way has he ever tried to glorify himself or take credit for his actions. His friends and those whose lives he saved had to bring to light the fact that his heroism had gone unrewarded by his country.

We must constantly remind ourselves and educate our children that we are privileged to live in the greatest and most free country on earth only because of the service and sacrifices of brave individuals such as Alfred Rascon. Our country can never truly reward these men or those like him who have sacrificed so much for us. The only thing we can do is to never forget them. Naming this post office after him is one very small way to ensure that we never forget his extraordinary heroism or that of many like him who have fought, bled and died for our freedom.

Mr. Speaker, I would like to thank the members of the Hispanic Caucus and the Maryland delegation who cosponsored this bill with me. I would also like to thank the gentleman from New York (Mr. MCHUGH), the chairman of the subcommittee, for expediting this bill's consideration.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES) to speak on this important legislation.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the bill offered by the gentleman from Maryland (Mr. BARTLETT) designating the Alfred Rascon Post Office Building. It is difficult to talk briefly about a man who has done so much in the service of his country, so I think I want to begin by making just a few comments about the man, Al Rascon.

Al represents all of those tenets that the founders of this Nation set forth for our country. He was born in Mex-

ico, grew up and attended high school in California, and enlisted in the United States Army. He completed training as a medic and served in Vietnam. During his tour of duty, he was seriously injured during an operation with his reconnaissance platoon. Because of his injuries, he was discharged from active duty and was placed in the Army Reserves. As most of my colleagues know, because of his heroic efforts earlier this year, he received this Nation's highest award, the Medal of Honor.

However, Al Rascon is not a hero only because of his actions on the battlefield 24 years ago. He is a hero because he has continuously given of himself to his community and to his country. In addition to his military service, he has served honorably as a government civil servant with the Drug Enforcement Agency and the Immigration and Naturalization Service, and currently serves as Inspector General of the Selective Service. Beyond his government service, he has dedicated himself to working with our youth, to show them that there are opportunities in this country for those who are willing to work and work hard.

Earlier this year, Al Rascon brought that very message to high school students in my district of El Paso, Texas; and it was overwhelmingly well received by our young people.

So today, I urge each of my colleagues to support passage of this important legislation. This is a small tribute to a man who has given so much for his country.

□ 1145

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I reiterate that not only did this gentleman serve and provide extraordinary relief to a number of his colleagues during his tour of duty in Vietnam, but his continued service, both with the Drug Enforcement Administration and with the INS and now with the Selective Service, shows a continuing commitment to be a citizen of our country that is committed to providing public service.

I want to just say that of the 40-some thousand Post Offices in our country, very few are named in honor of anyone, but this is a gentleman who not only do we honor, but I think we honor ourselves by naming this Post Office in Maryland in his honor.

Mr. BACA. Mr. Speaker, I wish to join with my colleagues in honoring a very special American, Alfred Rascon.

I want to thank my colleague from Pennsylvania, Mr. FATTAH, and the gentleman from New York, Chairman MCHUGH, for bringing this measure to the floor today.

I was honored to participate in the White House ceremony earlier this year when Alfred Rascon was presented with the Medal of Honor. I can't think of a more deserving per-

son to receive the Medal of Honor than Alfred Rascon. Each and every American should be deeply proud of this veteran, a true and authentic American hero.

Alfred Rascon waited well over thirty years to receive this highest of all distinctions.

Alfred Rascon's bravery and courage on the battlefields of Vietnam should have brought this honor to him much sooner.

The ceremony at the White House was one of the most emotional and moving events I have ever witnessed in my entire life.

Bestowing this special distinction upon this American hero was long overdue, and the honor we bestow upon Alfred Rascon today is both fitting and proper.

Earlier this year, following the White House event honoring Alfred Rascon, I introduced legislation that will bring honor and distinction to America's most highly decorated veterans. As a veteran of the 101st and 82nd Airborne Divisions, I was surprised to learn that the Medal of Honor, awarded to our veterans in the Nation's highest honor for their heroic efforts, is made primarily of brass. Congress awards its own gold medal to distinguished Americans, and this medal costs as much as \$30,000, and is made of gold. My legislation, H.R. 3584, would replace the brass in the Congressional Medal of Honor we award to America's brave Americans with gold. The Congressional Budget Office has indicated my bill would cost only \$2,300 per medal. I don't think that's too high of a price to pay for our most heroic Americans.

Many of the recipients of the Medal of Honor already paid the ultimate price for our Nation and for our freedoms and liberty.

We need to remember our veterans and think about them every day. There are more than 25 million veterans in the United States. There are 2,700,000 veterans living in California.

Today, I invite my colleagues who honor and respect America's veterans to join with me in honoring Alfred Rascon by supporting H.R. 4430, the measure to name the Alfred Rascon Post Office, and by supporting my bill for a more fitting Medal of Honor, H.R. 3584.

Once again, I wish to thank my colleagues for this opportunity. This is an honorable recognition for a highly honorable and courageous American, Alfred Rascon.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of H.R. 4430, to rename the United States Post Office in Fulton, Maryland, as the "Alfred Rascon Post Office Building". As a recent recipient of the Medal of Honor, there is no one more deserving of this honor than Alfred Rascon.

Alfred Rascon is an American hero who holds a special place in the hearts of Hispanic-Americans. An immigrant from Mexico, Rascon enlisted in the Army at age 17 because he wanted to serve his adopted homeland.

Mr. Rascon, who served as a medic in Vietnam, braved machine gun fire and grenade blasts to treat wounded soldiers. He twice jumped on top of wounded soldiers to protect them from grenades. In so doing, Rascon was shot in the hip and wounded by shrapnel when a grenade exploded in his face. Despite his injuries, Rascon grabbed guns and ammunition to give to U.S. soldiers so they could

continue holding off the attack. His patriotism and courage are an inspiration for all Americans.

Although Rascon was immediately recommended for the Medal of Honor, his paperwork was never forwarded up the chain of command. Instead, he received the Army's second most prestigious award, the Silver Star. In 1993, his fellow soldiers learned that he was never awarded the Medal of Honor and petitioned the Army Decorations Board to consider the case. Finally, in November of 1999, after more than 30 years of waiting, Defense Secretary Cohen approved Rascon for the Medal of Honor. I was extremely proud to be present at the White House ceremony in February when Mr. Rascon was presented this award.

Alfred Rascon now lives in Laurel, Maryland with his wife and two children. Naming the Post Office in this community after Mr. Rascon is a fitting honor and will remind the residents of Laurel of his extreme courage and patriotism and will serve as an example for future generations.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of this fitting tribute to our nation's newest Hispanic Medal of Honor winner, Alfred Rascon. Naming a post office building is reserved for those rare individuals who have distinguished themselves not only in one event, but through a career of service and excellence. Mr. Rascon is one such individual, who waited 33 years to receive the nation's highest medal for bravery on the battlefield. But during those years, he did not stop in his effort to serve his colleagues and his country. He currently serves as the Inspector General for the Selective Service System.

On March 16, 1966, while his platoon was under intense fire from a North Vietnamese unit in South Vietnam, SP4 Rascon risked his own life repeatedly to save the lives of wounded comrades and to prevent his unit from being overrun. While seriously wounded three times, he managed to perform his duties as a medic and save the lives of two of his fellow soldiers. On two separate incidents, he used his body as a shield to protect the wounded from the full force of incoming enemy grenades. Ignoring his own serious wounds from the grenades, he also managed to protect with his body another wounded soldier from incoming machine gun fire and grenades and carry that soldier, who was much larger than himself, to safety.

Mr. Rascon also risked his own life to help save his unit. Witnesses testify that he retrieved an M-60 machine gun and its ammunition, under fire in an open enemy trail, that was abandoned by an evacuated soldier. This act alone helped save the lives of the platoon members who were in danger of being overrun by the enemy. In addition to this and despite the fact that he was severely wounded, SP4 Rascon continued to search out the wounded and aid them. When the enemy was routed, he then supervised the evacuation of the wounded, refusing medical attention to himself until he finally collapsed. His wounds were so extensive that he had to be medically discharged from the Army.

While his acts of bravery as an Army medic in Vietnam have been recounted on several occasions, it serves as a reminder of the

son we seek to instill in our children and all our citizens in all facets of life: never leave those who fall behind.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4430, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to redesignate the facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, as the 'Alfred Rascon Post Office Building'."

A motion to reconsider was laid on the table.

#### MATTHEW "MACK" ROBINSON POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4157) to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building".

The Clerk read as follows:

H.R. 4157

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MATTHEW 'MACK' ROBINSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, shall be known and designated as the "Matthew 'Mack' Robinson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Matthew 'Mack' Robinson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the true privileges and frankly more enjoyable aspects of serving as the chairman of the

Subcommittee on Postal Service is the opportunity that it provides I would hope all of us, but certainly, speaking on my own behalf, provides me to learn.

I think I am rather typical in terms of the average American who has heard many times over in his or her life about such great athletes as Jesse Owens, and as one of the giants of baseball, we have heard of Jackie Robinson. But I must confess, until very recently, I was not as familiar with a second Robinson, a gentleman by the name of Matthew "Mack" Robinson.

We have heard, of course, about the achievements of people such as those I have just mentioned. When we talk about Jackie Robinson, we talk about history. When we talk about "Mack" Robinson, we talk a bit less about history but a great deal about what made this country great, what made it special. That is simply through the contributions of people like "Mack" Robinson.

I would say that when it comes to achievements of athleticism, "Mack" has to take a back seat to very few people. He was a participant, along with his younger brother, Jackie Robinson, and others with the 1936 Olympic team in that infamous event in Berlin. But beyond that, after returning home, he has achieved what I think is a very, very remarkable record of service to his community through his volunteer help and, perhaps even more importantly, through his character and through his leadership in leading the community of Pasadena from segregation to unification.

As I have had the opportunity, as I mentioned, to learn about "Mack" Robinson, I have learned how he served his community, how he cared about his neighbors. He became involved not for power or glory, certainly not for money, but because he cared about others and wanted to make today better than yesterday and hopefully tomorrow better than today. That is the kind of life I believe we can all learn a great deal from. That is the kind of inspiration we can all draw a great deal from.

The city of Pasadena just recently honored both "Mack" and Jackie Robinson by constructing a monument to them near City Hall. I think we owe our thanks to the gentleman from California (Mr. ROGAN) for bringing us Mack's name as a fitting follow-on to that celebration and that honor in Pasadena by seeking to name the Matthew "Mack" Robinson Post Office Building.

The gentleman from California (Mr. ROGAN) I would say worked very hard to achieve what we have always strived for here, and that is bipartisanship in reaching out to his fellow delegates within the California delegation. We have tried to work with him to bring us to this floor today in a position to enact a piece of legislation that is a

fitting tribute to a very, very fitting individual.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in relationship to H.R. 4157, a piece of legislation to honor Matthew Robinson with the naming of a Post Office in Pasadena, California.

I would like to first of all indicate that unlike all of the other bills that we have brought before this House during my time as the ranking member on the Subcommittee on Postal Service, this bill apparently as of yet does not have all of the cosponsorships that we would require.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Speaker, I appreciate the gentleman yielding to me.

I think it is important for it to be pointed out, Mr. Speaker, that we have passed in this year alone 53 of these bills. During the time the gentleman and I have served together, we are in the several hundreds, if not more, and it is a hard record to keep track of.

But we have indeed passed, both through the committee and through this House, pieces of legislation naming Post Offices that have not carried full State delegation sponsorship.

It is the policy of the committee to request that. In fact, that is a policy that I asked for when 6 years ago I became chairman, and I went to then full committee chairman Bill Clinger and suggested we were in need of a way by which we could have a second check, if you will, on the fitness of each of the candidates.

Along with Cardiss Collins, who was then the ranking member on the full committee, and Barbara Rose Collins, the ranking member on the subcommittee, we agreed that that would be not a rule but a policy.

When it has happened, as it has happened in the past, where Members have made a legitimate effort to secure full State delegation sponsorship and have been unable to, we have gone to those who have withheld their cosponsorship and tried to ascertain if it was related directly to the merits of the nominee, and where it was not, without that full State delegation sponsorship, we have passed the bills in any event. This was a process to check on the fitness of the nominees.

In fact, after the gentleman from California (Mr. ROGAN) came to us and in this case showed us documentation where he had reached out through his staff to each member of the California delegation on five separate occasions, I then wrote to each member of the California delegation who had not yet cosponsored his bill and asked if it was in relationship to the fitness of the nomi-

nee, because if it was, that is an important thing for us to know.

We have not heard back from all of them, but those we have heard from have all said that, no, it has nothing to do with the fitness of the nominee. That is frankly the only thing I am concerned about.

Mr. FATTAH. Reclaiming my time, Mr. Speaker, let me thank the gentleman from New York for illuminating the RECORD. Let me continue with my statement.

I think that this House should not be mired down in a foolish consistency on these types of policies, especially when it relates to a gentleman like Matthew Robinson, who has been an extraordinary citizen of our country and who has faced many obstructions.

Not only was he an Olympic athlete, and it is true that we could recount all of the facets of his life, but one I want to point to in speaking in relationship to H.R. 4157 is that it is true that the city of Pasadena just honored both Matthew and his brother, Jackie Robinson, but it is also true that when he returned to that city to work there in the city, he was fired at a time when all African-American employees were fired by the city of Pasadena as part of litigation related to desegregation and other matters taking place in California at that time.

I do not think that this House would serve itself well to delay this legislation as a result of the inability of the sponsor to get all of the i's dotted and t's crossed. I think what is most important is that this is someone who deserves this honor, and that we should move with haste to honor him in this respect.

I rise therefore in support of this legislation, and would hope that before it becomes a finality through this process, that there will be a time in which the entire delegation will have the opportunity to be cosponsors.

Mr. Speaker, I reserve the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate, as always, the bipartisan support and contributions of the ranking member. I mentioned 53 Post Office naming bills we have acted on, through these four before us this week. That is 53. Twenty-three of those were sponsored by Republicans and 30 were sponsored by the minority and Democrats, so that bipartisanship has I think been very clearly demonstrated. I think it is an important part of our work and it certainly should continue.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. ROGAN), who, as I said, has brought us this very distinguished nominee here today, and who has put a lot of work into reaching this point on the floor, for which I commend him on both counts.

Mr. ROGAN. Mr. Speaker, first I thank my good friend, the gentleman from New York (Mr. McHUGH), the distinguished subcommittee chairman, not only for his incredible help on this bill, but for the leadership he has shown. I know I speak for the Robinson family in thanking the gentleman for helping us to make this day a reality.

I also thank the distinguished ranking member, my good friend, the gentleman from Pennsylvania (Mr. FATTAH) for his support of this bill, I know I speak for the Robinson family in thanking the gentleman for helping to bring a broad bipartisan flavor to this day.

Mr. Speaker, I am proud to join my colleagues from across the United States to recognize a great Pasadena resident and public figure, Mack Robinson. Today we salute Mack on what would have been his 86th birthday, and we join together to pass legislation in his honor to name the historic Post Office in Pasadena after him.

What made Mack worthy of this recognition is not just one feat. It is not just his medal-winning performance in the 1936 Olympics or his accomplishments as a student athlete or his public service in the community.

□ 1200

What made Mack worthy of this great honor is the combination of all of these qualities, which, until the time of his passing earlier this year, were unknown to many outside of his hometown of Pasadena.

Mack's story is so inspiring. From humble beginnings, Mack became a respected community leader who influenced young people's lives.

Mack's reputation as a local track star piqued the interest of Olympic organizers. Over 60 years ago, Mack, along with another Olympic great, Jesse Owens, traveled to Berlin to compete in the 1936 games. In competition, it was reported that Mack's skill and technical ability on the track was so pure that he thought nothing of wearing the same track shoes that he wore in competition in Pasadena to compete in the Olympic village against the world's best and to win.

Mack earned his silver medal in that competition, with Jesse Owens winning the gold medal. Both of these great American Olympians portrayed a powerful image of freedom in the midst of a hostile and fascist Nazi Germany. Mack returned home to begin working in Pasadena as a city employee, and he also cared for his mother and for his family.

Mack eventually lost his job with the City, Mr. Speaker. As the New York Times later reported, Pasadena's African-American city employees were summarily fired in a desegregation battle when a judge opened the public pools and other facilities to all city residents.

Showing the same determination that carried him to triumph on the track, Mack never flagged. He channeled his energy and commitment back to his own neighborhood and to others throughout the city. He became a well-respected and widely known community figure, as well as an internationally recognized athlete. Mack volunteered countless thousands upon thousands of hours in gymnasiums, boys and girls clubs and after-school programs throughout the area.

Mack's work product today is proudly on display in thousands of homes and businesses. It is found in the inspired generations of youngsters that Mack touched and helped to get involved in school, sports and their community. His efforts fostered their success.

Fifty years after Mack competed in the Berlin Olympics, Mr. Speaker, I had the privilege of meeting him and his wife in their home one day. It was about 15 years ago.

I was a young deputy district attorney working in the Pasadena courthouse, and Mack was helping me on a community issue. I went to visit him in his home along with four or five police officers and a couple of deputy district attorneys. He and his family were very gracious to us. They spent a lot of time with us.

When it was time to go, I asked Mack if he had any pictures of himself because I wanted him to autograph one. Well, I was teased mercilessly by the police officers and senior district attorneys with me for asking for an autograph. I was told that was a childish request.

When Mack's lovely wife, Del, said "I think we have some pictures left over from the Olympics," every one of those police officers and senior prosecutors almost knocked me over to get in line at the kitchen table to get their signed picture from Mack first!

I still have that picture, Mr. Speaker, and I will cherish that photograph Mack gave me 15 years ago as I know one day my children and grandchildren will cherish it.

Not long ago, the City of Pasadena saluted the contributions of Mack and his brother Jackie. The City erected a monument in City Hall in tribute to these two great figures that hailed from the City of Roses. That was a fitting tribute to the Robinson family.

Today, the United States House of Representatives will honor the contributions of Mack Robinson, both to Pasadena and to his country, by naming a very public building after a man whose life was spent serving the public. It is a small way for us to thank one of Pasadena's great sons.

Mr. Speaker, once again, I thank the distinguished gentleman from New York (Mr. MCHUGH) for yielding to me, and I thank the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, for his support.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me in conclusion just say that, as is the case too often, there is an irony in the life of the gentleman who we honor. Matthew Mack Robinson, who represented this country in Hitler's Berlin at the Olympics as an African American, came home to this country and his home city, working as a City employee, was fired summarily with every other African American who worked for the City at that time. Things have changed, because time and effort and circumstances have helped bring a more enlightened leadership to our Nation. In many ways, the same doors that opened for his brother Jackie Robinson in some respects opened for Matthew Robinson.

But the City of Pasadena has seen fit to honor him with a statute along with his brother, and, in some ways, that perhaps makes some amends for the travesty of justice that he was subjected to. But, nonetheless, his life, moving from Georgia to California, starting out in a technical high school, on to a junior college, and after the Olympics, to the University of Oregon, his work as a community leader and as a public-spirited citizen, it is fitting that this Congress honor him through this legislation.

I ask that all of my colleagues support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. FATTAH), the ranking member.

We have, as I tried to indicate in my remarks on this proposal and by the gentleman from California (Mr. ROGAN), an amazing story that in so many ways was a quiet story and yet in equal ways is one that screams to us about what was wrong in terms of this country's direction and what one person can do through dedication and through caring to make it better.

I think that all of us can stand here and support this very, very worthy nominee and this very, very worthy proposal.

I am honored to join with the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from California (Mr. ROGAN), and others in urging its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4157.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ALAN B. SHEPARD, JR. POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4517) to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building."

The Clerk read as follows:

H.R. 4517

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ALAN B. SHEPARD, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, shall be known and designated as the "Alan B. Shepard, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Alan B. Shepard, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

#### GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4517.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I mentioned on the previous piece of legislation, one of the more likable aspects and certainly favorable aspects of serving as the chair of this Subcommittee on Postal Service is it provides the opportunity to learn new things about very special people.

Certainly in the previous bill, the one we just dealt with, Mack Robinson was a very, very special person who did some incredible and some very courageous things, but in many ways did them with a quiet determination.

We have before us now, Mr. Speaker, a bill that seeks to honor a gentleman who also is very special and who also showed great courage, great determination, but perhaps showed it through a somewhat different venue, through a somewhat more public perspective.

I think certainly in my generation and those before us and those shortly after, the name Alan B. Shepard, Jr. is far from unknown. Most of us grew up in an era in the late 1950s and 1960s

when space travel, space exploration was in its infancy, when we knew far less than we do now, when each step was a first, each step was surrounded by the unknown, by the possible calamities that those kinds of factors and unknown circumstances could surely bring.

There were some very, very courageous people at that time, such as Alan B. Shepard, Jr. who stepped forward, who used their training as pilots, who used their knowledge and their skills accrued by both through the service and through their academic studies to take us into outer space.

As one of the Mercury astronauts in 1959, of course Alan Shepard enjoys and has earned the reputation of being America's first to journey into space. Everything about this man before that time and since speaks grace and elegance, determination, and courage.

We certainly owe our thanks to the gentleman from New Hampshire (Mr. SUNUNU), the primary sponsor of this bill, for bringing us this legislation, for providing us an opportunity to recognize and pay tribute to such a great American.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to concur in the comments of the gentleman from New York (Mr. MCHUGH), chairman of the Subcommittee on Postal Service, and I rise in support of H.R. 4517.

This is another example of someone who has had a distinguished career and obviously someone who really helped open the door to space travel, being the first American in 1959, which is a long time ago, but when he started out, and then later on in 1963 and throughout his career with NASA, has demonstrated a type of courage and determination for the exploration of space. I think this is appropriate, and I want to thank the gentleman from New Hampshire (Mr. SUNUNU), the prime sponsor of this legislation, for bringing this forward.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New Hampshire (Mr. SUNUNU) with our appreciation. We are privileged to have the gentleman from New Hampshire here who brought us this particular piece of legislation and, of course, in that context brought us the name of Alan B. Shepard, Jr.

Mr. SUNUNU. Mr. Speaker, it is my pleasure today to rise in support of this legislation honoring Alan Shepard, a true American hero and America's first man in space. Alan Shepard was born and raised in Derry, New Hampshire, and he is certainly best known for his historic flight on Freedom 7. But that

was only one of a long line of historic achievements for this great American.

He was a Navy veteran. He was a test pilot. He was a pioneer in America's early space program. He was chief of NASA's Astronaut Office. He was the space craft commander on Apollo 14. He was one of the very few select individuals who have walked on the moon. In fact, his time set a record for the longest lunar visit, over 33 hours.

His achievements were recognized by NASA, by organizations across the country and across the world. He was awarded the Congressional Medal of Honor.

Today, it is a great source of personal pride to rise in support of the people of Derry, New Hampshire who seek to recognize this great individual whose service and dedication has brought pride, not just to New Hampshire, but to our entire Nation.

I ask my colleagues to support this important legislation.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), the remaining Member of the New Hampshire delegation, a fine gentleman who I am certain consulted and worked with the gentleman from New Hampshire (Mr. SUNUNU) on this piece of legislation and who is a cosponsor of it.

Mr. BASS. Mr. Speaker, I thank the gentleman from New York for yielding me this time. The entire New Hampshire delegation shall be heard from today on this issue.

I want to praise the gentleman from the First Congressional District of New Hampshire for introducing this bill which dedicates this Post Office in Derry.

Let me reminisce for a second, if I could, about Alan Shepard who was true, truly a hero. I remember back in the early 1960s when my dad was in Congress representing the second district and a member of the Space Committee, now, what the Committee on Science calls the Subcommittee on Space and Aeronautics, whatever its newest name is, probably the issue of sending a man to the moon was clearly one of our major national goals.

Alan Shepard who was the first American to go into space, although he did not orbit the earth, he went up and came down, about an 18-minute flight, was a true American hero. There had not been one in reality since Charles Lindbergh flew across the Atlantic Ocean in 1927.

So Alan Shepard, for this young school child, I was in the third grade at the time, was an enormous event for us and for everybody in New Hampshire. Alan Shepard, everybody who is in my generation will remember the movie that every school child saw of Alan Shepard. What he did as the first astro-

naut in space was truly heroic. Nobody knew whether a human being could really survive in this tiny little space capsule.

□ 1215

And Alan Shepard did it, and he went on to have a long and distinguished career in NASA.

As a true New Hampshire native, I think it is fitting that this post office facility be dedicated to him in his original hometown.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Let me just echo the comments of the gentleman from Pennsylvania and, of course, the gentlemen from New Hampshire (Mr. SUNUNU) and the gentleman from New Hampshire (Mr. BASS) for the tribute that they paid to a very, very special individual, as our last speaker suggested, I think very correctly, a true American hero, Alan B. Shepard, Jr.

I would just make a final urging to all our Members to join us in supporting this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4517.

The question was taken.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### JOSEPH F. SMITH POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4554) to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building."

The Clerk read as follows:

H.R. 4554

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, and known as the Kensington Station, shall be known and designated as the "Joseph F. Smith Post Office Building".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Joseph F. Smith Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4554.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would never be so bold as to suggest that we save the best for last, but let me instead suggest that for all of the very special individuals that we have the opportunity both here today and traditionally on this floor through the process of postal namings it is somewhat special, I think for most of us, to have the opportunity to pay such a tribute to a former colleague, to someone who had the honor, as we all do, to serve in this, the people's House. And this final legislation, brought to us by the gentleman from Pennsylvania (Mr. BORSKI), is indeed such an opportunity.

Joseph F. Smith was in fact a Member of this body, elected to the 97th Congress to represent his home district in Pennsylvania. But for anyone having the opportunity, as I have had, who takes the time to look over this gentleman's distinguished life story, we find that his service and his efforts and contribution extended far beyond the walls of this particular House.

In fact, he began as a sergeant in the United States Army, serving not only in World War II but receiving a Purple Heart for the wound he received in that action. He served as a congressional staffer, later serving in the Pennsylvania State Senate before coming to Congress; and after having left Congress, he continued to serve in politics and government through various party positions.

This is a man who, I think, has shown in his lifetime that he cares as well about his communities, who always strived to serve them, whether through the Armed Services and defending our Nation's pride and freedom, or through elective office and serving those people who were selecting him time and again to be their representative.

So just a final word of thanks to the sponsor, the gentleman from Pennsylvania (Mr. BORSKI), for bringing us this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, I rise in support of H.R. 4554, a bill to designate a post

office in Philadelphia after Joseph F. Smith, a former Member of this body.

If I can take some liberties, before I speak on the bill, Mr. Speaker, I want to thank a departing staff member of mine, Neil Snyder, who is here on the floor, who has served as my legislative director since I came to the Congress. He is moving on to a brighter future, and I want to wish him and his wife all the best. He is someone who was from my district back home, but has had a great deal of impact on the legislative successes we have had here in the House, and I would hope that my colleagues would join with me in wishing him well.

This legislation to honor Joe Smith, who served both in the Pennsylvania State Senate, where I served, and here in the Congress, is someone who, as has been mentioned by the gentleman from New York, has been much more than a lawmaker. He also served in the United States Armed Forces, fought in World War II and received the Purple Heart. He could have probably received a few other Purple Hearts for the rough and tumble of Philadelphia politics that he had to endure through his many years and decades of service in Philadelphia as a ward leader and other various positions.

There is no one better qualified, more uniquely situated to speak on the life and legacy of Mr. Smith, or Chairman Smith, than my colleague, the gentleman from Philadelphia (Mr. BRADY), who is not only the Member of Congress representing the first district but also serves now as the chairman of the same Democratic party that Joe Smith served as chairman of.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY) to speak on this legislation.

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania (Mr. FATTAH), for yielding me this time.

Mr. Speaker, I rise to support bill 4554. My friend, Joe Smith, served in Congress, earned the Purple Heart in World War II, was a fellow ward leader for 30 years, and was the chairman of the Committee on Appropriations in the Senate in the State of Pennsylvania. But closer to my heart, he was my predecessor in the city of Philadelphia as the chairman of the Democratic party in the city, and nobody knows better than I do what a tough position that can be at times.

He was a people person. He loved the people that he served in his neighborhood. Mr. Speaker, that is why this distinguished honor is so fitting. In naming this post office after him, his memory will remain in that community forever. To his lovely wife, Jean, to his daughter, Gigi, we want them to know that we are as proud of him as they have been throughout his distinguished career.

Mr. Speaker, I want to thank my friend and colleague, the gentleman from Pennsylvania (Mr. BORSKI), for introducing this measure, and my friend and partner, the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), for bringing this bill to the floor; and I want to also thank the chairman of the subcommittee, the gentleman from New York (Mr. MCHUGH), for his hard work in honoring my friend, Joe Smith.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume by saying that the senior Congressman and chair of the Philadelphia delegation here in the Congress, the gentleman from Pennsylvania (Mr. BORSKI), is the prime sponsor of this legislation and is someone who served with Joe Smith when he was here in the Congress. The gentleman from Pennsylvania could not be with us here on the floor at this moment, Mr. Speaker, but he will be entering a statement into the RECORD.

Let me finally thank the gentleman from New York, the chairman of the subcommittee. It is as always a pleasure to work with the gentleman as we move this type of legislation through the House. And I congratulate him on yesterday's passage of the semipostal bill, which is an important piece of legislation having to do with postal services here in our country and the benefit for charitable causes.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume; and first, I want to return the compliment from the gentleman from Pennsylvania, the ranking member. We did, indeed, do some good work here yesterday. That was, as I attempted to indicate yesterday in the course of the discussion on the bill, in no small measure due to the contributions, the input, and the very constructive suggestions that the gentleman from Pennsylvania and his staff made to that bill, and I think we can all take a great deal of pride in it.

Let me echo as well his appreciation by expressing my thanks to him for his continued cooperation. I mentioned earlier the bipartisan structure of the subcommittee, the record of achievement, and the bipartisan way that we have accrued; and I think, again, we should all take a great deal of pride in that. It is probably not as common on this floor as some of us would hope it would be.

Finally, Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. BRADY) for his very gracious and kind comments and also thank all the Members of the Pennsylvania delegation, including, of course, the gentleman from Pennsylvania (Mr. BORSKI), for bringing this nominee to our attention. And I would, finally, urge support from all our colleagues for this legislation.



Mr. BORSKI. Mr. Speaker, I rise in strong support of H.R. 4554, a bill that I introduced which would rename a United States Post Office in Philadelphia, PA to honor the late U.S. Congressman, Joseph F. Smith. I would like to thank Chairman McHUGH for his efforts on behalf of this bill. I would also like to extend my deep appreciation to my fellow colleagues of the Philadelphia Delegation. Ranking Member FATTAH put in remarkable work at expediting this bill through Committee. Congressman BOB BRADY, the successor to Joe Smith as the Democratic Chairman of the City of Philadelphia, was an advocate of this bill from day one. Finally, I would like to thank the entire Pennsylvania Congressional Delegation for joining together in a bipartisan matter in strong support of this important legislation.

Joe Smith started his career of service to this Nation as a sergeant in the United States Army, receiving a Purple Heart for his actions during World War II. Joe began his career in politics as a Democratic Committeeman. He was a Ward Chairman, working directly under James Byrne, the Ward Leader who went on to become a U.S. Congressman, who Joe would eventually work for as an Administrative Assistant from 1965–1970. From 1970–1981, he served in the Pennsylvania State Senate. As you are aware, Joe was elected to the Ninety-seventh Congress in 1981 and served until 1983. He worked at the forefront of the Democratic Party as the Democratic City Chairman in Philadelphia from 1983–1986. This was an enormous accomplishment, because he achieved the difficult task of earning the trust and respect of the city's Ward Leaders who voted to elect him their Chairman. Joe also served as the 31st Ward Leader for more than 3 decades. He remained devoted to the people of his community until May of 1999, when he passed away.

Joe Smith served for over 60 years in politics. Through his old-fashioned values of working hard and starting from the grassroots, Joe climbed from Committeeman to U.S. Congressman. Regardless of the position he was serving, Joe Smith remained noble enough of a man to continuously work hard towards his goal of helping the people of his country and his community. He once told me that he considered himself a "dinosaur" because he still believed in the pure art of politics—going door to door in your community not only to get the vote, but also to learn about the people and families that you plan to serve. On another occasion, Joe answered a question given by group of labor leaders with a memorable quote. "I was Joe Smith yesterday, I'm Joe Smith today, and I'll be Joe Smith tomorrow." They understood what he meant—that they could always count on this unpretentious man who believed enough in the hard-working people and values of the 1st Congressional District, to adamantly work for their well being. I can only hope that more of today's leaders will abide by Joe's principle that "politics" is never a dirty word.

Throughout his career, the people of Philadelphia looked to him for leadership, and he immersed himself in understanding their needs. Joe understood that public service is most effective when one understands and closely reflects the convictions and beliefs of one's constituents. No matter what body he

was serving in, his heart was always with the people who resided in the communities of Kensington, Port Richmond, and Fishtown. After his retirement, Joe could still be found sharing wisdom and insight from his front steps to those who sought advice and kinship.

When I think of Joe Smith I also think of the dedicated women in his life. He was a committed husband to the love of his life, his wife, Jean, and a devoted father to his daughter, Gigi. Joe was certainly proud of Gigi who is following in his footsteps as a Democratic Committeeperson. His daughter has also sought elected office and I am sure that she has a bright political future ahead of her. Along with his wife and daughter, I am certainly reminded of the three "Peg's" in his life—Peg Butkowski, the late Peg McCook, and Peg Rzepski. Whenever you called his office, you were sure to be assisted by the ever-helpful Peg Butkowski and Peg McCook. These women fought the fight in reconnecting the community with their government. Peg Rzepski served as his loyal lieutenant as the Ward Chairman for years. As his successor of the 31st Ward, she has shared in his belief that politics is never a dirty word and should be seen as a noble cause.

Joe Smith was an outstanding legislator, a great human being, and a distinguished American. I urge my colleagues to join me in supporting this bill to honor his legacy in the community that he so diligently served throughout his life, by naming the Kensington Station Post Office after Joe Smith.

Mr. McHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 4554.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## INTERCOUNTRY ADOPTION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2909

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intercountry Adoption Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

### TITLE I—UNITED STATES CENTRAL AUTHORITY

- Sec. 101. Designation of central authority.

- Sec. 102. Responsibilities of the Secretary of State.

- Sec. 103. Responsibilities of the Attorney General.

- Sec. 104. Annual report on intercountry adoptions.

### TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

- Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.

- Sec. 202. Process for accreditation and approval; role of accrediting entities.

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### TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

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### TITLE IV—ADMINISTRATION AND ENFORCEMENT

- Sec. 401. Access to Convention records.

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- Sec. 403. Authorization of appropriations; collection of fees.

- Sec. 404. Enforcement.

### TITLE V—GENERAL PROVISIONS

- Sec. 501. Recognition of Convention adoptions.

- Sec. 502. Special rules for certain cases.

- Sec. 503. Relationship to other laws.

- Sec. 504. No private right of action.

- Sec. 505. Effective dates; transition rule.

### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993), and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad, and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

### SEC. 3. DEFINITIONS.

As used in this Act:

(1) ACCREDITED AGENCY.—The term "accredited agency" means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.

(2) **ACCREDITING ENTITY.**—The term “accrediting entity” means an entity designated under section 202(a) to accredit agencies and approve persons under title II.

(3) **ADOPTION SERVICE.**—The term “adoption service” means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term “providing”, with respect to an adoption service, includes facilitating the provision of the service.

(4) **AGENCY.**—The term “agency” means any person other than an individual.

(5) **APPROVED PERSON.**—The term “approved person” means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.

(6) **ATTORNEY GENERAL.**—Except as used in section 404, the term “Attorney General” means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) **CENTRAL AUTHORITY.**—The term “central authority” means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) **CENTRAL AUTHORITY FUNCTION.**—The term “central authority function” means any duty required to be carried out by a central authority under the Convention.

(9) **CONVENTION.**—The term “Convention” means the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, done at The Hague on May 29, 1993.

(10) **CONVENTION ADOPTION.**—The term “Convention adoption” means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) **CONVENTION RECORD.**—The term “Convention record” means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.

(12) **CONVENTION COUNTRY.**—The term “Convention country” means a country party to the Convention.

(13) **OTHER CONVENTION COUNTRY.**—The term “other Convention country” means a Convention country other than the United States.

(14) **PERSON.**—The term “person” shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.

(15) **PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.**—The term “person with an owner-

ship or control interest” has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a-3).

(16) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(17) **STATE.**—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

## TITLE I—UNITED STATES CENTRAL AUTHORITY

### SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.

(a) **IN GENERAL.**—For purposes of the Convention and this Act—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) **PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.**—

(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's Issues shall have a strong background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

(c) **AUTHORITY TO ISSUE REGULATIONS.**—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.

### SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.

(a) **LIAISON RESPONSIBILITIES.**—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) **INFORMATION EXCHANGE.**—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other matters necessary and appropriate for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on the prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)), through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or in the case of a child emigrating to the United States for the purpose of adoption to the competent authority in the child's country of origin with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;

(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) **ACCREDITATION AND APPROVAL RESPONSIBILITIES.**—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

(d) **ADDITIONAL RESPONSIBILITIES.**—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.

(e) **ESTABLISHMENT OF REGISTRY.**—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.

(f) **METHODS OF PERFORMING RESPONSIBILITIES.**—The Secretary may—

(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and

(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.

### SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.

In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.

### SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

(a) **REPORTS REQUIRED.**—Beginning one year after the date of the entry into force of

the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) **REPORT ELEMENTS.**—Each report under subsection (a) shall set forth with respect to the year concerned, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.

(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.

(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

## **TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL**

### **SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.**

(a) **IN GENERAL.**—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

(1) is accredited or approved in accordance with this title; or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to the following:

(1) **BACKGROUND STUDIES AND HOME STUDIES.**—The performance of a background study on a child or a home study on a prospective

adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) **CHILD WELFARE SERVICES.**—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) **LEGAL SERVICES.**—The provision of legal services by a person who is not providing any other adoption service in the case.

(4) **PROSPECTIVE ADOPTIVE PARENTS ACTING ON OWN BEHALF.**—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.

### **SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES.**

(a) **DESIGNATION OF ACCREDITING ENTITIES.**—

(1) **IN GENERAL.**—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity.

(2) **QUALIFIED ENTITY.**—In paragraph (1), the term “qualified entity” means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or

(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—

(i) has expertise in developing and administering standards for entities providing child welfare services;

(ii) accredits only agencies located in the State in which the public entity is located;

(iii) on the basis of the most recent review, has not been found to have conducted a State program that has been found to have failed substantially to conform with the requirements of the child and family services review system authorized under section 1123A of the Social Security Act; and

(iv) meets such other criteria as the Secretary may by regulation establish.

(b) **DUTIES OF ACCREDITING ENTITIES.**—The duties described in this subsection are the following:

(1) **ACCREDITATION AND APPROVAL.**—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.

(2) **OVERSIGHT.**—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.

(3) **ENFORCEMENT.**—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) **DATA, RECORDS, AND REPORTS.**—Collection of data, maintenance of records, and re-

porting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.

(c) **REMEDIES FOR ADVERSE ACTION BY ACCREDITING ENTITY.**—

(1) **CORRECTION OF DEFICIENCY.**—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) **NO OTHER ADMINISTRATIVE REVIEW.**—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) **JUDICIAL REVIEW.**—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) **FEES.**—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

### **SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.**

(a) **IN GENERAL.**—

(1) **PROMULGATION OF REGULATIONS.**—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) **CONSIDERATION OF VIEWS.**—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) **APPLICABILITY OF NOTICE AND COMMENT RULES.**—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) **MINIMUM REQUIREMENTS.**—

(1) **ACCREDITATION.**—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) **SPECIFIC REQUIREMENTS.**—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of

the date that is 2 weeks before (I) the adoption, or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including in the case of a child emigrating to the United States for the purpose of adoption the requirements of the child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term "background report (home study)" shall include any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.

(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.

(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.

(B) CAPACITY TO PROVIDE ADOPTION SERVICES.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.

(C) USE OF SOCIAL SERVICE PROFESSIONALS.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.

(D) RECORDS, REPORTS, AND INFORMATION MATTERS.—The agency is capable of—

(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;

(ii) cooperating with reviews, inspections, and audits;

(iii) safeguarding sensitive individual information; and

(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.

(E) LIABILITY INSURANCE.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.

(F) COMPLIANCE WITH APPLICABLE RULES.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.

(G) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(2) APPROVAL.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.

(3) RENEWAL OF ACCREDITATION OR APPROVAL.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements applicable to original accreditation or approval under this title.

(c) TEMPORARY REGISTRATION OF COMMUNITY-BASED AGENCIES.—

(1) 1-YEAR REGISTRATION PERIOD FOR MEDIUM COMMUNITY-BASED AGENCIES.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) 2-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY-BASED AGENCIES.—For a 2-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) CRITERIA FOR REGISTRATION.—Agencies registered under this subsection shall meet the following criteria:

(A) The agency is licensed in the State in which it is located and is a nonprofit agency.

(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.

(C) The agency has demonstrated that it will be able to provide the United States Government with all information related to the elements described in section 104(b) and provides such information.

(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.

(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.

#### SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL.

(a) OVERSIGHT OF ACCREDITING ENTITIES.—The Secretary shall—

(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements

of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and

(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.

(b) SUSPENSION OR CANCELLATION OF ACCREDITATION OR APPROVAL.—

(1) SECRETARY'S AUTHORITY.—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—

(A) the agency or person is substantially out of compliance with applicable requirements; and

(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(2) CORRECTION OF DEFICIENCY.—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—

(A) notify the accrediting entity that the deficiencies have been corrected; and

(B)(i) in the case of a suspension, terminate the suspension; or

(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.

(c) DEBARMENT.—

(1) SECRETARY'S AUTHORITY.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—

(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and

(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) PERIOD OF DEBARMENT.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.

(3) EFFECT OF DEBARMENT.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.

(d) JUDICIAL REVIEW.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.

(e) FAILURE TO ENSURE A FULL AND COMPLETE HOME STUDY.—

(1) Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial noncompliance with applicable requirements.

(2) Regulations promulgated under section 203 shall provide for—

(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(1)(A)(ii); and

(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(1)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.

(3) Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between the Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).

(4) A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.

#### SEC. 205. STATE PLAN REQUIREMENT.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking “and” at the end;

(2) in paragraph (12), by striking “children.” and inserting “children.”; and

(3) by adding at the end the following new paragraphs:

“(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

“(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.”.

### TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

#### SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.

(a) **LEGAL EFFECT OF CERTIFICATES ISSUED BY THE SECRETARY OF STATE.**—

(1) **ISSUANCE OF CERTIFICATES BY THE SECRETARY OF STATE.**—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—

(A) receives appropriate notification from the central authority of such child's country of origin; and

(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.

(2) **LEGAL EFFECT OF CERTIFICATES.**—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.

(b) **LEGAL EFFECT OF CONVENTION ADOPTION FINALIZED IN ANOTHER CONVENTION COUNTRY.**—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.

(c) **CONDITION ON FINALIZATION OF CONVENTION ADOPTION BY STATE COURT.**—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

#### SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.

(a) **DEFINITION OF CHILD.**—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking “or” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; or”; and

(3) by adding after subparagraph (F) the following new subparagraph:

“(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age—

“(i) if—

“(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

“(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

“(III) the child is not the grandchild, niece, nephew, brother, sister, aunt, uncle, or first cousin of one or both of the adopting parents, unless—

“(aa) the child has no living parents because of the death or disappearance of, abandonment or desertion by, separation from, or loss of, both parents; or

“(bb) the sole or surviving parent is incapable of providing the proper care for the child and has in writing irrevocably released the child for emigration and adoption; and

“(IV) in the case of a child who has not been adopted—

“(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

“(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

“(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.”.

(b) **APPROVAL OF PETITIONS.**—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—

(1) by striking “(d)” and inserting “(d)(1)”;

(2) by striking “section 101(b)(1)(F)” and inserting “subparagraph (F) or (G) of section 101(b)(1)”;

(3) by adding at the end the following new paragraph:

“(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child's country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.”.

(c) **DEFINITION OF PARENT.**—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting “and paragraph (1)(G)(i)” after “second proviso therein”.

#### SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.

(a) **DUTIES OF ACCREDITED AGENCY OR APPROVED PERSON.**—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:

(1) Ensure that, in accordance with the Convention—

(A) a background study on the child is completed;

(B) the accredited agency or approved person—

(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and

(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and

(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.

(2) Furnish to the State court with jurisdiction over the case—

(A) documentation of the matters described in paragraph (1);

(B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and

(C) a declaration by the central authority (or other competent authority) of such other Convention country—

(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and

(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.

(3) Furnish to the United States central authority—

(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;

(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(b) CONDITIONS ON STATE COURT ORDERS.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) the material described in subsection (a)(2); and

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(2) has determined that the adoptive placement is in the best interests of the child.

(c) DUTIES OF THE SECRETARY OF STATE.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.

(d) FILING WITH REGISTRY REGARDING NON-CONVENTION ADOPTIONS.—Accredited agencies, approved persons, and other persons, including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).

#### TITLE IV—ADMINISTRATION AND ENFORCEMENT

##### SEC. 401. ACCESS TO CONVENTION RECORDS.

(a) PRESERVATION OF CONVENTION RECORDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.

(2) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) ACCESS TO CONVENTION RECORDS.—

(1) PROHIBITION.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is

maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.

(2) EXCEPTION FOR ADMINISTRATION OF THE CONVENTION.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.

(3) PENALTIES FOR UNLAWFUL DISCLOSURE.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) ACCESS TO NON-CONVENTION RECORDS.—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.

##### SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.

Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

##### SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) ASSESSMENT OF FEES.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

(c) RESTRICTION.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

##### SEC. 404. ENFORCEMENT.

(a) CIVIL PENALTIES.—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2),

shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation.

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) CRIMINAL PENALTIES.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

#### TITLE V—GENERAL PROVISIONS

##### SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

##### SEC. 502. SPECIAL RULES FOR CERTAIN CASES.

(a) AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) NONDELEGATION.—The authority provided by paragraph (1) may not be delegated.

##### SEC. 503. RELATIONSHIP TO OTHER LAWS.

(a) PREEMPTION OF INCONSISTENT STATE LAW.—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) RELATIONSHIP TO OTHER LAWS.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.



**SEC. 504. NO PRIVATE RIGHT OF ACTION.**

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

**SEC. 505. EFFECTIVE DATES; TRANSITION RULE.****(a) EFFECTIVE DATES.—**

(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) TRANSITION RULE.—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

**GENERAL LEAVE**

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2909.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise enthusiastically to bring to the House floor H.R. 2909, the Intercountry Adoption Act, and I offer a personal word of thanks for the diligent efforts of the gentlewoman from Connecticut (Mrs. JOHNSON); the gentleman from Michigan (Mr. CAMP); the distinguished chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH); the ranking minority member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON); and the gentleman from Massachusetts (Mr. DELAHUNT) for their collective efforts. Their efforts and their expertise enables us to bring this bipartisan bill to the floor today, which has strong congressional support with a remarkable total of 51 cosponsors.

The purpose of our bill is to provide the Department of State with the nec-

essary authorities to implement the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. As a signatory to this convention, our Nation must now meet the obligations of the convention, which includes establishing a Federal central authority and an accreditation process for agencies engaged in intercountry adoptions.

The Hague Convention, developed in response to abuses in the intercountry adoption process, sets forth standards and procedures that can be recognized and followed by countries engaged in intercountry adoptions. This legal framework provides protection to the adoptive children and to their families by ensuring that agencies and individuals involved in the intercountry adoption process meet standards of competence, ethical behavior, and financial soundness.

This bill reflects many hours of deliberation among committees of jurisdiction, the Department of State and the Department of Justice. We greatly appreciate the advice from many outside groups and individuals as we crafted this bipartisan measure. We are also grateful for the many letters of support we received for the bill before the House today.

I say with confidence that we have before us a solid bill that will enable our State Department to implement procedures to assist thousands of families in adopting children from overseas.

□ 1230

We want those parents to have the best information and services available to them. This bill provides many consumer protections to improve the intercountry adoption process and to establish a consistent and a reliable system that will be recognized by other foreign countries.

In closing, I would like to recognize the significant assistance provided by leadership staff in helping us bring the bill to the floor and to our Committee on International Relations staff members Kristen Gilley, our professional staff member; David Abramowitz, our committee minority counsel; Joseph Rees, counsel and staff director of our Subcommittee on International Operations and Human Rights; and Mark Agrast, staff assistant of the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. Speaker, I urge full support for this bill by our colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume; and I rise in support of the resolution.

Mr. Speaker, well, this day has been long in coming. And while I still have some reservations about certain provisions of the bill, it certainly is a good day. I might add parenthetically that today happens to be my birthday, and

passage of this measure certainly would be the most memorable of birthday gifts.

I want to thank our chairman, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations; the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; and the gentleman from North Dakota (Mr. POMEROY), my friend and colleague, who is the father of two adopted children from Korea; and our colleagues from the Committee on Ways and Means, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Michigan (Mr. CAMP), who has been a leader not only in this particular effort but on other important adoption initiatives; as well as my friend and colleague, the gentleman from New Jersey (Mr. SMITH); also, a number of key officials at the Department of State who contributed substantially to this effort. Their advice and input are genuinely appreciated.

I also want to express my appreciation to Senators HELMS, BIDEN, and LANDRIEU, with whom the amended bill was carefully developed in the course of extensive consultations.

And finally, I want to thank the many adoptive families, adoption experts and child service organizations that have been so generous with their encouragement and counsel on the many difficult issues that we had to confront.

At our hearing on the bill last October, I promised to do all I could to see that this would be an open process and that their concerns would be heard. I believe that promise has been kept, Mr. Speaker, and that the extensive input we received has resulted in a bill that merits wide support.

Mr. Speaker, I think many of my colleagues are aware of the fact that, for me, this is no ordinary piece of legislation. And intercountry adoption is not some abstract or theoretical policy question or concept.

This past April 6, my family marked the 25th anniversary of the arrival of my younger daughter, Kara, who was airlifted out of Vietnam during "Operation Baby-Lift" just days before the fall of Saigon.

I cannot express adequately to this House how profoundly her arrival changed our lives. Her mother, Katy, her sister, Kirsten, and I often reflect on how much richer and fuller our lives are because she is part of us, she is our family. But our experience is far from unique, as I am sure can be verified by my friend, the gentleman from North Dakota (Mr. POMEROY). It is shared by hundreds of thousands of families across this country, including a number of my colleagues in this House who have adopted from abroad.

Intercountry adoption is not the answer to all the problems affecting children around the world, but it has given

loving homes and a chance in life to needy children who could not be cared for in their countries of origin.

When the process works, it results in the successful placement of happy, well-adjusted children with responsible parents who will love and care for them. But problems, including some very serious problems, do occur. And while most of the leading international adoption agencies maintain high ethical and professional standards, sadly, this is not always the case.

Documented abuses range from the charging of exorbitant fees by so-called "facilitators" in some countries to child kidnapping, baby smuggling; and coerced consent from birth mothers do occur.

In some cases, information has been improperly held from adoptive families with regards to the child's medical and psychological condition. And tragically, some adoptions have been disrupted because the adoptive families were poorly prepared for their parenting responsibilities as a result of the failure of the agency to provide the necessary pre- and post-adoption counseling.

Such concerns have caused a number of countries, including Russia, Romania, and Guatemala, to actually suspend overseas adoptions until safeguards could be put in place.

For example, last March a special United Nations investigator reported to the Human Rights Commission that Guatemalan babies have been reduced to "objects of trade and commerce." And that is a quote, "objects of trade and commerce."

According to her report, prominent lawyers, doctors, and judges in Guatemala were involved in a series of abuses from falsifying birth records to tricking or drugging frightened birth mothers into signing over their children.

That is why the Hague Convention on Intercountry Adoption is of such importance and this implementing language is so critical. It will help eliminate these abuses and enable both birth parents and adoptive families to participate in the intercountry adoption process with full confidence and a sense of security.

It is also important to understand the importance of the United States' role on this issue. As the largest receiving country for adopted children, the United States played a prominent role in negotiating the Convention. Since Americans adopt four out of five children that are placed through intercountry adoption, it is certainly in our national interest to secure ratification. And while 40 nations have already ratified the document, many more are simply waiting to see what we will do.

U.S. ratification will signal our commitment to these standards and will reassure sending countries that we intend to abide by them. And I am hope-

ful that it will encourage people everywhere to consider the benefits of international adoption.

On the other hand, should we fail to ratify, we will deal a serious setback to the Convention and will cause major sending nations to reconsider whether to continue to send their children here.

Mr. Speaker, I recognize that this legislation represents a compromise on many tough issues. And every compromise involves some degree of sacrifice by all concerned. I am, therefore, very grateful that so many organizations representing such a broad spectrum of opinion have been willing to put aside their broader agendas and give their support to the bill.

Again, I want to thank all who have contributed to this effort. But before I conclude, I would be remiss not to take particular note of the extraordinary contributions of the following staff: Kristen Gilley of the Committee on International Relations; David Abramowitz of the Committee on International Relations minority staff; Cassie Bevan of the Committee on Ways and Means of the majority staff; and Mark Agrast, my own legislative director.

As I suggested, this has been an arduous and lengthy process. I have no doubt that this legislation has involved more meetings and conversations and discussions than possibly any other proposal in the 106th Congress. But for their efforts, it is clear that we would not be here today. Their dedication, their persistence and their commitment bordered at times on the Herculean.

We all, particularly those who adopt children from overseas, are deeply in their debt and we recognize that their motivation was a deep and profound concern, love, if you will, for children everywhere on God's good Earth who are in the most desperate of situations.

So, on behalf of all of us, especially those children, I thank my colleagues. They have truly made a difference.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, it is with great pride and pleasure that I rise to urge the enactment of H.R. 2909, the Intercountry Adoption Act of 2000.

I am proud to be an original cosponsor of the Intercountry Adoption Act, which is necessary to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

The Convention was adopted in 1993 and signed by the United States in 1994. It will enter into force for the U.S. when the Senate gives its advice and consent and the President ratifies it.

Senator HELMS, the chairman of the Senate Foreign Relations Committee, has indicated his intention to schedule a committee vote as soon as both Houses of Congress have enacted this implementing legislation.

Mr. Speaker, the purpose of the Hague Convention and of this implementing legislation is twofold. The first purpose is to facilitate international adoptions whenever they are in the best interest of the child by eliminating unnecessary confusion, expense, and delay resulting from differences among certain laws and practices of nations.

The second and equally important purpose is to ensure transparent and fair regulation of international adoptions so that adoptions that are not in the best interest of the child, whether they involve gross abuses such as baby stealing and baby selling or other abuses that result in placing children in inappropriate settings, will not take place.

The legislation now before us establishes a framework for fulfilling both these essential goals. It charges the Secretary of State and the Attorney General with overseeing a process of accreditation and regulation of agencies and persons involved in international adoptions while avoiding unnecessary Federal encroachment on the regulatory authority long exercised by State governments. It sets minimum standards for this process of accreditation and regulation, all of which are designed to protect the best interests of children by promoting their adoption into appropriate family settings by agencies whose employees have the requisite skill, experience, and good judgment. And it ensures that courts and other competent authorities in the United States and in the adoptive children's countries of origin, as well as prospective adoptive parents, will have the information they need to make intelligent, life-affirming decisions.

Mr. Speaker, just let me say, throughout my 20 years in Congress, I have worked tirelessly on behalf of adoption and always in a bipartisan way.

In the late 80's, I introduced the OMNIBUS Adoption Act—which had as its centerpiece, a \$5,000 tax credit for nonrecurring expenses. That's low today. Now I've introduced an updated measure designed to boost the credit to \$10,000. That too is a bipartisan bill. The text in H.R. 2909 as it is presented on the floor today, is again a result of a tremendous amount of bipartisan work on the text.

Let me also point out, Mr. Speaker, in keeping with this commitment of protecting children, during the long and painstaking process of preparing this bill for enactment, I have at various times expressed concerns about provisions in preliminary versions of the legislation. Particularly, I have been concerned that the new regulatory scheme not facilitate "end

runs" around legitimate laws and policies of States and foreign countries designed to protect the best interests of children.

□ 1245

Again I am happy to say that the gentleman from New York (Mr. GILMAN) and I and the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Michigan (Mr. CAMP), the gentlewoman from Connecticut (Mrs. JOHNSON) and many others have worked on legislation, with a text we could all agree to.

I join my colleague in thanking the professional work of our respective staffs especially Joseph Rees, who is general counsel and chief of staff of my Subcommittee on International Operations and Human Rights.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I want to join my colleagues in recognizing the bipartisan effort in accomplishing this goal and all the participants, the chairman, the subcommittee chairman, those on the Committee on Ways and Means, particularly from my side of the aisle, the gentleman from Massachusetts (Mr. DELAHUNT), the staff on both sides, particularly my staff, Mr. Abramowitz and others who were involved and also the staff back in the district that we all have that taught us the lessons of why we need this legislation. On my staff, Patty Shea, who works in the Middletown office, not only has adopted on her own, as a number of my other staff people have, but has constantly been involved in the trouble related often to the intricacies of adoption, whether in the United States at our end of the process or in the country where the child is coming from.

And so for all of us who have seen the torment and heartache often associated with families who are in the process of adopting running into very complex situations, often contradictory procedures and laws in our country and the country where the child is coming from, the efforts here today to set up an international regime that will set some certainty and a process by which parents and potential parents can know what that process is going to be is an important step forward.

The complexities here are significant, obviously, not simply those that divide some of us here in this Congress on the things we care about; but one of the concerns that I had of course is the impact on small agencies to make sure they were not overrun by a large bureaucratic system, but also the differences between countries and cultures and different systems of law. It will necessitate more cooperation in the future in every one of these categories.

I commend all the participants again for the work they have done here on this important piece of legislation. It is the kind of thing that makes us all proud to participate in this great democratic process we have here. I thank particularly the gentleman from Massachusetts (Mr. DELAHUNT) for his work.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the distinguished chairman of the Subcommittee on Human Resources.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman very much for yielding me this time and rise in strong support of passage of this Intercountry Adoption Act. The Subcommittee on Human Resources of the Committee on Ways and Means has written legislation that has more than doubled adoptions nationwide in America through good law, and we hope that this Intercountry Adoption Act will not only demonstrate America's commitment to the child, the birth parents and the adoptive parents, all parties to the adoption but will enable those adoptions to move more smoothly and more rapidly so that more children throughout the world can find permanent and loving homes.

The purpose of the Hague Convention on Intercountry Adoption is to set the rules for intercountry adoption that will do three important things: first, allow recognition of adoption among the party countries; two, protect the interests of all members of the adoption triad; and, three, prevent illegal child trafficking.

The Convention establishes an international set of principles and rules that will govern intercountry adoptions. These rules provide for the first time normal international recognition of the process of intercountry adoption and establish a minimum set of uniform standards governing international adoptions.

The implementing legislation we have before us today has been a long time in coming. The number of people that have been involved has been iterated by previous speakers so I will not reiterate those names; but it is fair to say without six Members of this House devoting really many hours to this subject over the last 2 years, we would not have this opportunity to more fairly and honestly and effectively govern international adoptions.

I would particularly like to recognize the efforts of the gentleman from Michigan (Mr. CAMP). He is a member of my subcommittee. He has been involved in this issue many, many years; and he has carried the major responsibility on behalf of the Committee on Ways and Means and myself on this legislation. I also want to recognize the work of Dr. Cassie Bevan, our chief of staff, because not only did she write

the Safe Home and Families Act that has done so much to increase adoptions in America, but she was very instrumental in helping us find the language that allowed us to come to agreement on this bill and have it before Members today.

There are two principles that governed the drafting of this implementing legislation. First, the drafters were careful to include in the implementing legislation only those requirements that were specifically mandated by the Convention. The Convention required the implementing country to, among other things, designate a central authority, establish an accreditation process, and preserve adoption records.

This legislation was not intended to change domestic adoption practices or provide for a larger Federal role in nonconvention adoptions but was designed to meet the specific requirements of the Hague Convention. Secondly, the drafters were mindful that in the United States, family law is a field in which States are preeminent. Thus, this legislation was not viewed as an opportunity to override State laws. On the contrary, efforts to override State laws were resisted.

The Intercountry Adoption Act was designed to put into practice certain internationally agreed upon norms and procedures. Among these are the establishment of an accreditation system that will ensure that adoption agencies and adoption lawyers engage in sound, ethical adoption practices that recognize the dignity of all the parties involved.

Today, the Congress continues to build an impressive record of promoting adoption. I believe that H.R. 2909 along with the adoption tax credit, the Multiethnic Placement Act, the Adoption and Safe Families Act, and the Foster Care Independence Act shows our interest in making it easier for children to find permanent, loving families through adoption.

I congratulate the gentleman from New York (Mr. GILMAN) for his skillful leadership and the intense interest of a few Members, that handful of Members on both sides of the aisle that have made this bill possible and thank again my staff, the staff of all the committees, and the office of the gentleman from Texas (Mr. DELAY) that helped us get this crucial legislation to the floor.

Mr. DELAHUNT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on International Relations.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time. I am grateful to many as I get up to speak on this legislation, including the majority leadership for allowing this bill to come up on the suspension calendar. I am particularly grateful to the legislators who played such critical roles in

getting this to the point where we can now enact it. It is critical legislation. Although this was not slated for House floor action intentionally to coincide with the birthday of the gentleman from Massachusetts (Mr. DELAHUNT), it could not have been more appropriately timed because he has put in such an extraordinary effort to bring it to this point.

Let me put a personal face on this issue. This is my daughter Kathryn. On February 3, 1994, the very day that Mother Teresa addressed the National Prayer Breakfast about the importance of adoption, Kathryn arrived on a Northwest jet out at National Airport. My wife and I went out and picked her up. She has certainly deeply changed our lives. It is a miracle, an absolute miracle. Two years later we adopted a son, a similar blessed event. We love him just as much; I just do not happen to have a poster of Scotty. I hope he understands.

This miracle has many composite points. As you look through them, really it is not a miracle; but it is a culmination of events, extraordinarily important events. The miracle behind Kathryn being my daughter today begins with South Korea having a priority on the best interests of its children, a priority that even usurps national pride to the dimension where they cannot place when they do not have capacity to place, they cannot find the homes for the children who need adoption, they have sought families wherever they may be located, including in our case, halfway around the world from where Kathryn was born. It takes a special country with special values to hold the interests of its children to the forefront in this way, and I commend South Korea and all countries that facilitate the interests of their children in this fashion.

Next, it takes quality programs where the quality assurance of the homes for placement is absolutely assured, because it is not just about sticking kids in some homes; it is about quality families for these beautiful children. I want to commend the agency we worked with, Asia, the individuals at that agency, Ted Kim, Mary Durr and Marilyn Regere, who were so involved in our own adoption circumstances. They represented the very finest in terms of quality assurance in an adoption program.

We need and will by this legislation make certain that there are the highest standards of quality. It is very important because the United States in 1998 alone received 16,000 children from around the world for placement with United States families. Now, this is a level of intercountry adoption activity that will raise concern in some of these countries where the children are coming from. They want to make certain these children are going to be provided for in the ways that they have a right

to expect, safe environments, loving homes, capacity to provide. We need to make certain as the country accepting these children into our families that we address this concern by having processes and procedures that are open, that assure the highest levels of quality and that comport in all respects with the international standards agreed to between the many countries of the Hague Convention.

Just a few weeks ago, I met with a number of Russian judges who deal with family adoption. They had questions about why the Hague Convention had not yet been approved. I am very pleased we will be able to answer those questions with this action today. The United States is completely committed to providing the finest homes and families for these beautiful children and our action on this legislation makes that very clear. Beyond that, the bill facilitates the coordination of adoption laws across the country and I believe will help families who so desperately want to have the miracle of children that my own family has gotten to experience realize this goal through international adoption, if not otherwise.

In conclusion, I would just say to each of you who have been involved in this legislation that you have helped children find families and families find children who need them. There is not a thing we do in this body more important than this task. I commend each of you for your great work.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Subcommittee on Human Resources.

Mr. CAMP. Mr. Speaker, I rise in strong support of our bipartisan legislation to strengthen the international adoption process. I would like to commend the leadership of the gentleman from New York (Mr. GILMAN), the gentlewoman from Connecticut (Mrs. JOHNSON) of the Committee on Ways and Means, the gentleman from New Jersey (Mr. SMITH), chairman of the subcommittee, and our leadership on this important issue. I also have to mention that the gentleman from Connecticut (Mr. GEJDENSON), the ranking member, and also the gentleman from Massachusetts (Mr. DELAHUNT) have been very active on this issue; and I appreciate all of their efforts to make this bill a reality.

Of course, no bill comes to the floor without the help of competent staff: Kristen Gilley, David Abramowitz, Mark Agrast, Joseph Reece, and especially Dr. Cassie Bevan of the Subcommittee on Human Resources of the Committee on Ways and Means.

Our bill today is about families opening their homes and their hearts to children who need them. Before I came to Congress, I represented families seeking to adopt. There is nothing more rewarding than seeing a mom and

dad bring home a new child into their family through adoption. This bill will help bring families together.

In the last 10 years, almost 100,000 children from other countries have been adopted by U.S. families. That is a doubling of international adoptions. We adopt more children from abroad than all other countries combined. In 1998 alone, over 15,000 children were adopted by U.S. parents. This increase has created many opportunities for children to find loving homes. At the same time with the sharp increase, we have a responsibility to establish international standards to ensure that adoptions are safe, that they are in the best interest of the child, the birth parents and the adoptive parents.

Mr. Speaker, no important bill is ever easy; but it is easy to work on legislation where you can see up close the impact it has on the lives of children and their families. For that reason, the United States in 1994 signed the Hague Intercountry Adoption Convention, which establishes basic international procedures for concluding safe intercountry adoptions. The Intercountry Adoption Act, of which I am proud to be an original cosponsor, implements the Hague Convention. We were careful to include in this implementing legislation only what was specifically mandated by the convention.

□ 1300

And, second, in U.S. law, especially in U.S. family law and adoption, State authority is assured. The bill establishes the State Department as a central authority to monitor these adoptions and help adoptive parents in dealing with officials in other countries. The State Department will designate one or more private, nonprofit organizations to accredit U.S. adoption service providers using strict standards of ethics, competence, and financial soundness. These accredited agencies can then facilitate intercountry adoptions in other Hague countries.

Mr. Speaker, in closing, I, again, want to commend the gentleman from New York (Chairman GILMAN), the gentlewoman from Connecticut (Chairman JOHNSON), and everyone involved in our bill, our leadership, especially the gentleman from Texas (Mr. DELAY), for the hard work they put in for making this bill possible.

Mr. Speaker, I believe that the work we have done will allow the other body to quickly take up ratification of the treaty and passage of our implementing legislation.

Mr. Speaker, I urge support of our bill.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his remarks. Mr. Speaker, I do not have any further requests for time and I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply conclude by saying I am sure that my family is watching, and they heard the reference by the gentleman from North Dakota (Mr. POMEROY) to the agency that placed Kathryn with the Pomeroy family, and I do not want to leave the floor and receive a telephone call, so I really want to acknowledge the Holt International Children's Services in Eugene, Oregon, giving me the greatest gift of all, which was my daughter, Kara.

I particularly want to acknowledge Susan Cox, who several years ago I encountered and engaged me in this particular legislation; but, as I said, in my remarks, it certainly is a good day.

Mr. Speaker, it is a good day for hopefully tens of thousands of children all over this planet who will find a deserving home.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend all of our Members who took part in today's debate and, once again, all of the staff members who worked so diligently to bring together this bipartisan measure. And I, too, want to commend the Holt agency. I am very familiar with them; it was formerly the Pearl Buck Group that started this agency. They have done such good work in bringing children and parents together, and I want to thank particularly the gentleman from Massachusetts (Mr. DELAHUNT) as we gave him his gift for his birthday today. I urge my colleagues to support this measure.

Mr. BLILEY. Mr. Speaker, our children are our future and they represent our hopes and dreams. Many families decide adoption is the right path for them to build a family and we should do all we can to promote life-affirming policies like adoption. As an adoptive father, I believe every child deserves love, shelter, security, and a permanent home yet the orphanages around the world are filled with children seeking loving homes and families. Many Americans choose to adopt a child from another country because they know they can make a difference in a child's life. America is a rich country and our citizens are very generous in opening up their homes to orphans. The Hague Intercountry Adoption Act builds upon the spirit of the thousands of American parents who have adopted their child from another country.

I am a proud cosponsor of the Hague Inter-country Adoption Act because I am committed to ensuring intercountry adoption remains a viable option for American families. American families are very altruistic because they spend thousands of dollars and are willing to travel to a foreign country to build a family. Unfortunately, some people took advantage of adoptive parents and legislation was needed. The Hague Intercountry Adoption Act attempts to guarantee the child's safety and fully protects the rights of the adoptive parents and birth parents.

In the days ahead, Congress must ensure the process of crafting rules and regulations

for the Hague is done in an expeditious manner. Congress must also ensure that the regulatory process is not abused and used in a manner to reward the efforts of those who failed to achieve their policy initiatives through the legislative process. I strongly believe the Central Authority must be fully staffed and have personnel with adoption experience. Inadequate staffing levels and/or lack of staff familiar about adoption policy could lead to a dramatic decline in the number of intercountry adoptions.

Today is a momentous day for adoption. This legislation provides hope for orphaned children worldwide and it will improve the lives of countless children and families.

Mr. BURR of North Carolina. Mr. Speaker, last summer I introduced legislation with Representative BALLENGER that approached this issue differently than H.R. 2909 as introduced.

Through the committee process, however, we were able to reach a compromise between H.R. 2342 and H.R. 2909. Through the efforts of Chairman GILMAN and Ranking Member GEJDENSON the legislation we are considering today takes the best of both bills, and I would like to thank them for their hard work in moving the process forward. I would also like to thank Representative DELAHUNT, who perhaps more than anyone in this body appreciates the positive impact this legislation can have. He is to be commended for his role in the process as well.

I would like to extend a special thank you to those parents of children adopted from overseas who contacted me with their concerns and for sharing their experiences with me. Their input was critically important, and I appreciate their active interest in this legislation and the process we have gone through.

It is an unfortunate reality that there are people willing to exploit the vulnerability of needy children and their prospective parents. The willingness of these families to go through the international adoption process, despite its flaws, is testimony to their character. The passage of this legislation affirms our commitment to creating a framework that better protects children and their families in the future.

Despite our different approaches in addressing the problems faced by children and parents in the international adoption process, it is safe to say we all want the same thing—to help those who want nothing more than to provide a child with a loving home. It is my firm belief that the legislation we are considering today will do just that, and I encourage my colleagues to vote for this important bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 2909, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that pursuant to clause 8 of rule XX, notwithstanding the Chair's previous announcement, the Chair will postpone further proceedings today on each motion to suspend the rules on which the yeas and nays were ordered until later this afternoon.

#### DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREAT- MENT (NORMAL TRADE RELA- TIONS TREATMENT) TO PEO- PLE'S REPUBLIC OF CHINA

Mr. ARCHER. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 103) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 103 is as follows:

H.J. RES. 103

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 2, 2000, with respect to the People's Republic of China.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, July 17, 2000, the gentleman from Texas (Mr. ARCHER) and a Member in support of the joint resolution each will control 1 hour.

Is there a Member in support of the joint resolution?

Mr. BROWN of OHIO. Mr. Speaker, I am in support of the resolution.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) will control 1 hour of time.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a little less than 2 months ago, the American people and this House spoke out overwhelmingly in favor of expanded trade with China. With broad bipartisan support, we passed a measure granting American workers, farmers, and businesses unprecedented access to China's once-forbidden markets.

Agriculture exports alone are expected to triple with this increased trade, and tariffs on American-made goods will be slashed or eliminated entirely in virtually every sector.

Mr. Speaker, as I have said many times before, this clearly is a win for the U.S. and her people. It is particularly important that we stay engaged with China so we can see the blessings of individual freedom, democracy, and move forward toward a free enterprise society.

Mr. Speaker, given that, it is disappointing that we must vote on this issue yet again. Nevertheless, support for continued normal trade with China is stronger than it has ever been, and I urge Members to keep this process on track by opposing H.J. Res. 103.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here in Congress, we stand together in a commitment toward the spread of democratic ideals and the improvement of human rights. But as we have helped encourage the growth of democracy, many American corporations promote practices that work against all that Congress fosters throughout the world.

During the weeks approaching the vote for permanent NTR for the People's Republic of China, corporate CEOs flocked to the Hill to lobby for increased trade with China.

They talked about access to 1.2 billion consumers in China. What they did not say was that their real interest is in 1.2 billion Chinese workers, workers whom they pay wages on the level of slave labor.

These CEOs will tell us that increasing trade with China will allow human rights to improve. They will tell us that democracy will flourish with increased free trade. But as the CEOs speak, their companies systematically violate the most fundamental of human and worker rights.

Companies such as Huffy and Nike and WalMart are contracting Chinese sweatshops to export to the United States, often with the assistance of repressive and corporate Chinese local government authorities.

Mr. Speaker, 1,800 Huffy bicycle workers in the U.S. lost their jobs as Huffy in Ohio shut down its last three remaining plants in the U.S. In July of 1988, Huffy fired 800 workers from its Celina, Ohio, plant where workers earned \$17 an hour.

Huffy now outsources all of its production to developing nations, such as China, where laborers are forced to work up to 15 hours a day, 7 days a week and earn an average wage of 33 cents an hour. This is less than 2 percent of what bicycle workers made in Ohio.

The Qin Shi Handbag in China makes Kathie Lee Gifford-line handbags for

WalMart. There are about a thousand workers at the factory where they put in 14-hour shifts, 7 days a week, often 30 days a month. The average wage at the factory is 3 cents an hour.

Many workers live in a factory dormitory where they are housed 16 to a room. Their ID documents have been confiscated, and they are allowed to leave the factory for an hour and a half a day. For half of all factory workers, rent for the dormitory exceeds their wages.

The workers earn, in fact, nothing at all. In fact, they owe the company money. These people are indentured servants for WalMart or, most of us would say, slave labor.

Developing democratic nations such as India are losing out to more totalitarian nations such as China, where people are not free and the workers do as they are told. Developing democratic nations such as Taiwan lose out to authoritarian developing nations, such as Indonesia, because the workforce is stable and docile and does as their told.

In the post-Cold War decade, the share of developing countries' exports to the United States for democratic nations fell from 53 percent in 1989 to 35 percent last year.

Corporate America wants to do business with countries with docile workforces that earn below-poverty wages and are not allowed to organize to bargain collectively.

In manufacturing goods, developing democracies' share of developing country exports fell 20 percentage points. Corporations are relocating their manufacturing base from democratic developing nations to authoritarian regimes where the workers do not talk back for fear of being punished.

Western corporations want to invest in countries that have below-poverty wages; that have poor environmental standards; that have no worker benefits; that have no opportunities to bargain collectively. As developing nations make progress toward democracy, as they increase worker rights and create regulations to protect the environment, what we do in the developed democratic world, the American business community punishes those democratic developing countries by pulling their trade and their investment in favor of totalitarian countries.

They like China a lot more than they like democratic India. Corporate America likes Indonesia much more than they like Taiwan.

Decisions about the Chinese economy are made by three groups: the Chinese Communist Party, the People's Liberation Army, and wealthy Western investors. All of them control a significant amount of the business that exports to the U.S. and Western investors.

Mr. Speaker, which one of these three, the People's Liberation Army, the Chinese Communist Party, Western

investors, which one of these three want to empower workers? Does the Chinese Communist Party want the Chinese people to enjoy increased human rights? I do not think so. Does the People's Liberation Army want to close the slave labor camps? I do not think so. Do Western investors want Chinese workers to bargain collectively to get a little bigger piece of the pie? I do not think so.

None of these groups, Mr. Speaker, none of these groups, the People's Liberation Army, the Chinese Communist Party, and Western investors, none of these groups have any interests in changing the current situation in China. If they did, they would choose democratic India and democratic Taiwan.

None of these groups have any interest in changing the current situation in China. All three, Western investors, the Communist Party of China, the People's Liberation Army, all three profit too much from the status quo to want to see human rights and labor rights improve in China.

Congress should not tolerate the working conditions that exist in Chinese factories. Congress should care about how American corporations are behaving outside of our borders.

I urge my colleagues, Mr. Speaker, to reject MFN and vote for the Rohrabacher resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the Chair announces that the gentleman from Illinois (Mr. CRANE) will be managing the time for the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. CRANE. Mr. Speaker, I yield 30 minutes of my time, for purposes of control, to the gentleman from Michigan (Mr. LEVIN), my distinguished colleague.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. LEVIN) will control 30 minutes of the time of the gentleman from Illinois (Mr. CRANE).

There was no objection.

Mr. BROWN of OHIO. Mr. Speaker, I ask unanimous consent to yield 30 minutes of my time to the gentleman from California (Mr. ROHRABACHER) and that he may then yield time as he sees fit.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. ROHRABACHER) will control 30 minutes of the time for the gentleman from Ohio (Mr. BROWN).

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we all know, we had a very thorough and informed debate in the House just a few months ago on these very issues. The spotlight is now on the Senate. There is a clear majority there for passage of permanent



NTR, and I express the hope of many of us that there can be full debate on the Senate side and action there expeditiously, which I think should mean within the next few weeks.

I want to dwell on the major challenges ahead, because clearly the U.S.-China economic relationships are at the beginning of a new phase; they are far from their final form. So I believe there is a need to focus on these challenges, and we cannot simply put our economic relationships and our broader relationships with China on automatic pilot.

As we know, there were major provisions in the legislation that passed the House that attempt to address these very critical challenges, and we need to focus on their effective implementation. The legislation set up a high-level executive congressional commission to be a continuing watchdog and a creative force in the area of human rights, including worker rights.

We need to be sure during this session that that legislation is adequately funded. We need to be sure that the appointees to this vital high-level commission have the interest and the determination to make that commission work, as the Helsinki Commission has worked, and, if I might express the hope, even more so.

□ 1315

We need to be sure that this commission gets off to a strong start. I hope whatever the point of view may be in terms of PNTR that all of us will join together on both sides of the aisle and within each caucus and conference to make sure that happens.

The legislation also calls for strong monitoring and enforcement of Chinese trade-related commitments and, as the chairman of the committee indicated, there are numerous, indeed essentially innumerable commitments. There also in the legislation is a strong anti-surge mechanism to make sure that there is a safeguard against major loss of American jobs in any specific sector. We need to be sure that the requests for adequate funding that have come on behalf of the Commerce Department and USTR to carry out these critical monitoring enforcement duties are fully funded in the appropriation processes.

Those processes are far from complete when it comes to these aspects.

We also need to be sure that the ongoing discussions in Geneva, in the working group on China, that in these discussions in Geneva the administration continues to press for a regular annual review within the WTO of these commitments by China.

I see that we have been joined by the gentleman from Nebraska (Mr. BEREUTER), with whom I have had the chance to work on these very provisions, as well as the chairman of the subcommittee and the ranking member of

the full committee and the chairman of the full committee. I think all of us join in indicating the importance of the implementation process of these provisions.

In a word, we need now to focus on the future. We are far closer to the beginning than to the end of the challenges that we face in our economic relationships with China. China, as it grows, is already 1,200,000,000 people and is projected to become the second largest national economy within 20 years. We need to focus on these challenges as China emerges from 50 years as a state-controlled economy and with state abuses of human rights and individual freedoms. So today I urge my colleagues to vote no on this resolution and to join together to continue on this important and difficult road of confronting the challenges ahead.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The Chair would remind Members that it is not in order to urge certain Senate action, as recorded on page 181 of the House Rules Manual.

Mr. ROHRBACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have introduced H.J. Res. 103 to disapprove the President's annual certification of the so-called normal trade relations with China, and I have no allusions that this bill will overturn the House vote on permanent normal trade relations. But I have introduced this bill because we need to pay attention as to what has happened in China and throughout the world since we voted for permanent normal trade relations with China.

I believe the American public has the right to hear about events and the events in China that followed the mega million dollar propaganda campaign that was waged by U.S. corporations in order to acquire the approval of Congress for PNTR.

PNTR, let us remember, is a taxpayer subsidy for corporations; includes, and that is the most important provision for these companies, a taxpayer subsidy in the form of loan guarantees and actual interest guarantees and loan guarantees to companies that are closing their factories in the United States and opening them in China.

What we are talking about is American workers being taxed in order to support the transfer of thousands of jobs to low-paying labor mills in China. That is what PNTR was all about, and it was sold to us as something totally different. It told to us that there would be many benefits of PNTR.

Well, the day after the PNTR vote, the media began reporting what the real story behind the corporate lobbying campaign was all about, even though during the debate for PNTR we

heard that it was all about selling American products which, of course, is not the case. But after the vote, the truth began to emerge. A May 25 Wall Street Journal article put it very bluntly. Quote, "even before the first vote was cast by Congress and while the debate in Washington focused on U.S. exports, the multinationals had something very different in mind." Quote, "this is about investment in China, not about exports," said an economist for a major U.S. financial firm.

So I am including several articles for the RECORD, Mr. Speaker.

[From the Wall Street Journal, May 25, 2000]

OPENING DOORS: CONGRESS'S VOTE PRIMES U.S. FIRMS TO BOOST INVESTMENTS IN CHINA  
DEBATE FOCUSED ON EXPORTS, BUT FOR MANY COMPANIES, GOING LOCAL IS THE GOAL: "LOOKING FOR PREDICTABILITY"

(By Helene Cooper and Ian Johnson)

The China investment rush is on.

Even before the first vote was cast yesterday in Congress's decision to permanently normalize U.S. trade with China, Corporate America was making plans to revolutionize the way it does business on the mainland. And while the debate in Washington focused mainly on the probable lift for U.S. exports to China, many U.S. multinationals have something different in mind.

"This deal is about investment, not exports," says Joseph Quinlan, an economist with Morgan Stanley Dean Witter & Co., "U.S. foreign investment is about to overtake U.S. exports as the primary means by which U.S. companies deliver goods to China."

Michael T. Byrnes, chief representative of Rockwell International Corp.'s China division, seconds that: "In China, that's the direction we're going."

Yesterday, by a vote of 237-197, the U.S. House of Representatives gave its approval for the world's largest communist nation to become a card-carrying member of the ultimate capitalist club, the World Trade Organization.

The hotly contested House vote was portrayed by proponents as a historical watershed. It was "the most important vote we [have] cast in our congressional careers," said Rep. Bill Archer, House Ways and Means chairman.

The vote perfectly punctuates the end of the 20th-century struggle between communism and capitalism for dominance of the world economy. Capitalism won. With China's entry into the WTO, free markets and free trade have emerged as the unchallenged global standard for business.

The vote also cements a legacy for Bill Clinton. He will now be viewed by history as a president who firmly opposed protectionist forces within his own party, winning approval for the North American Free Trade Agreement in 1993, the WTO in 1994 and, finally, permanent normalization of trade with China. After yesterday's vote, Mr. Clinton said: "This is a good day for America. Ten years from now we'll look back on this day and be glad we did this."

For business, which spent millions of dollars on advertising and lobbied vigorously for this outcome, the consequences are more practical, but no less far-reaching. In the tense weeks leading up to last night's vote, business lobbyists emphasized the beneficial effect the agreement would have on U.S. exports to China. They played down its likely

impact on investment, leery of sounding supportive of labor union arguments that the deal would prompt companies to move U.S. production to China.

But many businessmen concede that investment in China is the prize. Consider Mr. Byrnes's company, Rockwell, a Milwaukee-based maker of automation and aviation equipment. In 1987, Rockwell invested in a small cable factory in the southern city of Xiamen that produces about \$3 million worth of equipment a year for the China market.

Like many foreign companies in the 1980s, Rockwell was allowed to invest only if it entered a joint venture, a messy arrangement that required Rockwell to cooperate with four local partners, all of them state-owned. The experience so frustrated Rockwell that it never invested in another factory in China, preferring instead to export as much as \$200 million worth of products each year to China from the U.S. and other countries.

Now, Rockwell says that's likely to change. The WTO agreement, Rockwell hopes, will encourage China to abide by international rules, such as publishing regulatory changes and making transparent the workings of its bureaucracy. "We're looking for predictability, reliability," Mr. Byrnes says. With that, Rockwell expects to set up more factories. "My advice back to the headquarters," Mr. Byrnes says, "is WTO makes things more predictable for investing."

Technically, yesterday's vote in the House has no direct bearing on China's entry into the World Trade Organization. That was all but assured last week when the European Union completed negotiation of a broad trade agreement with China, following a similar agreement with the U.S. last year. But under WTO rules, China still couldn't enter the group until Congress provided permanent normal trading relations with China—rescinding the law under which China's trade status came up for a vote each year.

If the measure hadn't passed, China would have had the right to deny U.S. companies the access to its markets that it is extending to other WTO members.

Now that that hurdle is cleared, the agreements to let China into the WTO will probably boost exports to the country by lowering its tariffs on a host of products. The U.S. Department of Agriculture estimates that American farm exports to China will rise by \$2 billion within five years. U.S. and foreign moviemakers also expect to do more business in China, where their combined annual quota will rise to 40 releases from 10.

Equipment manufacturer Caterpillar Inc., exports about \$200 million of tractors and other construction equipment to China a year, a figure that has roughly tripled in the past few years as China has pushed an ambitious infrastructure program, says Dick Kahler, president of Caterpillar China Co. WTO entry will cut tariffs to 10% from 20%, making Caterpillar's products even more affordable to Chinese customers. "We don't see why we can't continue to see that kind of growth," Mr. Kahler says.

Indeed, the fear among many in China is that local businesses will be swamped by foreign goods. A play that premiered in Beijing yesterday titled "Made in China" tells the story of a beleaguered Chinese cosmetics maker fighting a flood of foreign imports. "Chinese factory managers are terrified about the low tariffs," says the play's director, Wang Shaoying.

Still, if the strategic plans of American companies are anything to go by, U.S. exports aren't the big trade story here. "U.S.

exports will increase, over time," says Greg Mastel, director of global economic policy at the New America Foundation, a Washington think tank. "But not at the rate of investment, and the corporate community has been quiet about that. They've been able to avoid telling that story."

That story reflects a simple business fundamental: Companies need to be closer to their customers. And China has 1.2 billion potential customers.

Direct foreign investment in China already has burgeoned. It totaled \$45 billion in 1998, according to a January study by A.T. Kearney Inc., the Chicago management consulting firm. Last year, after the onset of the Asian financial crisis and a slowdown in the Chinese economy, the total shrank to \$40 billion. Now, many economists expect investment in China will resume rising, by as much as 15% to 20% a year.

With WTO membership, China agrees to allow foreign-owned dealership and distribution services, a big boost for auto makers and heavy-equipment manufacturers. U.S. banks, too, will get a crack at a market totaling 1.1 trillion yuan (\$132.88 billion), in terms of loans outstanding. U.S. lenders ultimately will have unlimited access for the first time to manage the deposits of Chinese citizens and to lend to individuals and corporations. And foreign asset managers will be allowed to establish joint-venture fund-management firms.

Consider Motorola Inc.'s China plans. Motorola has just developed a \$600 combination computer and wireless phone, called Accompli, which it makes entirely in China. "It has really clever Chinese features, all done based on market research in China," says Motorola Chairman Chris Galvin. Already, Motorola has China sales of about \$3 billion each year.

When it officially joins the WTO later this year, China will allow foreign companies 49% ownership of telecommunications carriers, and 50% two years later—compared with nothing today. Mr. Galvin believes that will be a huge opportunity for Motorola as its Chinese customer base expands. Motorola also plans to invest in Chinese Internet ventures, he says.

In Shanghai, General Motors Corp.'s Buick Regal is in the second year of production at a factory that cost more than \$1 billion to build. About 60% of the car is made locally, says Larry Zahner, president of GM China Group. Much of the rest, about \$250 million a year, is imported from North America, mostly from Michigan. But even with China in the WTO—which should eliminate Chinese rules requiring local content—the Detroit company expects to raise the local content of its cars manufactured in Shanghai to 80% or 90%, Mr. Zahner says.

Eastman Kodak Co. is well into plans to invest \$1 billion on manufacturing plants in China. Kodak expects China will leapfrog the U.S. as Kodak's biggest market by 2025. To that end, Kodak has been boosting its manufacturing capacity there, as well as encouraging smaller investors to open Kodak Express processing stores.

European and Japanese multinationals have been drawing up their plans as well. Germany's Volkswagen AG and Japan's Toyota Motor Corp. have big Chinese investment plans on the drawing board. In an era when new models are rolled out with increasing frequency, factories can't wait months for parts to be shipped around the world. As a rule of thumb, auto companies want their suppliers to locate within 250 miles of the final assembly plant.

Many of the biggest trade concessions China made in return for its acceptance into the WTO are in banking, insurance and other services. New York Life Insurance Co. is one insurer already planning to set up a joint-venture with a Chinese partner, though it hasn't made public the amount it wants to invest. Just after the vote yesterday, New York Life International's chief executive, Gary Benanav, was preparing to hop on a flight to China. "As quickly as possible, we are going to apply for a license to enter the life-insurance market," he said.

American International Group already has pumped hundreds of millions of dollars into China, mostly to set up offices, train Chinese insurance agents and to ingratiate itself with local regulators by plowing collected premiums back into Chinese infrastructure projects. It also is expected to be among the first to set up a fund-management joint venture.

Even agriculture companies are getting in on the act. Poultry giant Perdue Farms Inc. is ratcheting up its investment in China with a joint venture for a processing plant and hatchery near Shanghai.

Beijing is well aware that entry into the WTO will bring a rush of foreign investment. Indeed, that's a big reason why, after years of dragging its feet, China has in the past two years aggressively pursued WTO entry—to bring in the money needed to keep the economy growing and modernizing.

#### CHINA WARNS "NO MORE CONCESSIONS" TO GET INTO WTO

GENEVA (Reuters)—A senior Chinese official declared Friday that his country could make no more concessions on opening up markets for goods and services in its bid to join the World Trade Organization (WTO).

China's lead WTO negotiator, vice-minister for foreign trade Long Yongtu, issued his warning at a formal meeting of diplomats from most of the body's 137 member states who are working to wrap up the terms of Beijing's entry.

Some countries, said Long, "have raised some unreasonable requests, either requiring China to undertake obligations exceeding the WTO rules, or insisting that China cannot enjoy its rights under the rules . . .

"We will never accept further requests that China should undertake obligations exceeding those for ordinary WTO members, and nor will we allow ourselves to have the rights that we should have to be impaired or even taken away," he added.

Long's trenchant statement came as Beijing's 14-year effort to become a formal part of the global trading community appeared moving into its final lap.

Diplomats said his remarks were largely aimed at developing countries—including India and several Latin American states—who are seeking to come fully under the umbrella of China's bilateral accords with the United States and the European Union.

Many of these countries are bidding to win the same right to impose so-called safeguard restrictions as were written into the U.S.-China pact on surges of Chinese imports of textile goods that might threaten the survival domestic producers.

#### SUBSIDIES ALSO AN ISSUE

But diplomats said there were other areas—like how subsidies were assessed and balance-of-payments measures treated—where the language of both U.S. and EU accords with China was drafted to be a specific to bilateral trading relations. Many emerging economies want the terms of these accords to be fully "multilateralized"—or

written into the final documents setting out the terms of China's entry and therefore applicable to all WTO members.

Speaking at a news conference, Long said his government was "determined and prepared" to honor all its agreements on WTO entry, but could not accept overall terms that went beyond the current rules of the organization.

Envoys said the row, which was unlikely to become a major obstacle to Chinese entry by the end of this year, was a reflection of the negotiations were now in the end-game.

"Many countries are upping the ante to try to win something extra at the last moment," said one negotiator. "Everyone realizes that Chinese entry will bring momentous changes for the organization."

#### ENTRY TALKS SEEN POSITIVE

Despite the controversy, both Long and Pierre-Louis Girard, Swiss chairman of the WTO Working Party on Chinese accession, said the atmosphere during the past week of formal and informal talks had been positive.

"Everybody seems pretty serious about getting this done so China can come in by the end of the year," a senior U.S. official who attended the session told reporters.

In a sign of advance, China Friday wrapped up a bilateral accord with Costa Rica—which had been seeking wider access for its tropical fruit and coffee exports—and appeared close to a final accord with Switzerland. Other agreements remain to be completed with Mexico, Guatemala and ?

Diplomats said the Working party would meet with Long and his team again in Geneva in the last two weeks of July and that the aim then would be to complete the major admission documents—a Protocol of Accession and a Working Party Report.

[From the Wall Street Journal, June 5, 2000]

#### CHINA UNICOM SCRAPS PLAN LINKED TO QUALCOMM DEAL

(By Matt Forney)

BEIJING—China's No. 2 phone company has confirmed it won't use a mobile-phone technology designed by Qualcomm Corp., of the U.S. for at least three years—a decision that could reverberate from Silicon Valley to Washington.

China's promise to open its markets to Qualcomm's current generation of cell-phone technology was key to it earning U.S. support to join the World Trade Organization, the Geneva-based group that sets global trade rules.

Last year, Premier Zhu Rongji personally assured U.S. Commerce Secretary William Daley that China would open its markets to San Diego-based Qualcomm's code-division multiple access, or CDMA, technology, according to people in the room at the time, a decision that was supposed to result in millions of Chinese subscribers using Qualcomm technology by the end of this year.

But after China's entry into WTO was stalled by the U.S. last year—and the Chinese embassy in Yugoslavia was bombed—China's enthusiasm for Qualcomm's technology likewise faded. As China's WTO bid picked up steam last autumn and was endorsed by the U.S. last November, Qualcomm's fortunes in China rose, culminating in it signing a "framework" agreement with Unicom in February. But Qualcomm then ran into problems with China over the amount of its technology that would be produced locally.

The delays meant Qualcomm was starting to make little economic sense to China—analysts said it would be wasteful for China to

pour billions into a technology that would become dated in a few years when companies start rolling out next-generation mobile-phone technology.

"The company has planned to provide CDMA services this summer," said a representative for China United Telecommunications Corp., or Unicom, who was quoted in the state-run Xinhua news agency Sunday. Unicom canceled the project because "the timing of constructing a narrow-band CDMA system has become unfavorable," he said.

"Narrow band" refers to Qualcomm's currently available CDMA technology. The spokesman said he expected Unicom to use Qualcomm's next-generation, or "wide-band," CDMA technology in around 2003. But the spokesman also said that the February agreement, in which Unicom agreed to license some form of CDMA equipment from Qualcomm, "could be canceled."

Over the past week, Unicom sent mixed messages on whether it would use Qualcomm's technology, causing a sell-off of the company's stock, which had risen more than 20-fold last year but has sunk 60% from its January high.

#### CHINA WARY OF ITS PRIVATE SECTOR

(By Charles Hutzler)

BEIJING—President Jiang Zemin, worried about the Communist Party's slipping hold on a fast-changing China, has ordered the party to set up cells in the country's thriving private sector, state media reported yesterday.

Mr. Jiang's speech to party officials Sunday underscored the leadership's growing anxieties about the challenges global economic change is bringing to its monopoly rule. As more Chinese find work outside the government and decrepit state industries, free markets, not fiat from Beijing, hold sway.

Mr. Jiang, who heads the 61 million-member Communist Party, said the organization must improve its leadership and "strengthen its combat capabilities . . . so that the party can direct China's modernization drive and secure the country's power in the midst of fierce international competition."

He noted the private sector's importance in China's economy. Private companies need party organizations "to guarantee the healthy development of the sector," Mr. Jiang said in remarks carried by the official Xinhua News Agency.

Those cells "should work hard to unite and educate entrepreneurs to advocate various policies of the party, run businesses according to law and protect the employees' interests," Mr. Jiang said.

It was not clear how the party would put Mr. Jiang's order into effect. But if realized, the plan could bring a marked change to the freewheeling private sector. State firms have always had party representatives, and despite 20 years of free-market reforms, they often wield more power than enterprise managers.

Businesses outside state control now account for 60 percent of China's \$990 billion economy. That portion is projected to grow after China's expected entry into the World Trade Organization later this year opens many long-protected Chinese markets.

Foreign businesses are likely to increase investment in China.

#### CHINA POP DE-FIZZED

WHY THINGS GO BETTER FOR COKE WITHOUT AH-MEI ON ITS BILLBOARDS.

(By Charles Lane)

In a time of tension between China and Taiwan, Zhang Huimei brought people to-

gether. The diminutive Taiwanese pop singer, who goes by the stage name Ah-mei, sells millions of CD's on both sides of the Taiwan Strait. Last year 45,000 screaming fans caught her Madonna-like act in a government authorized Beijing concert.

American business, too, recognized her star power. Coca-Cola, seeking to harness her popularity to sell its products in the mainland Chinese market, spent millions on TV, radio and billboard ads for Sprite, featuring Ah-mei.

But Ah-mei's career in the People's Republic came to a screeching halt when she agreed to sing Taiwan's national anthem at the May 20 inauguration of Taiwan's newly elected president, Chen Shui-bian, whom Beijing considers excessively interested in independence for the island nation. Her videos and music were immediately banned on state-controlled media in China.

And Chinese authorities notified Coke that its Ah-mei ads would also henceforth be verboten. Beijing tried to portray this as a response to public outrage at Ah-mei's performance in Taipei. But there's been public outrage over the massacre at Tiananmen Square, and the Communist government hasn't deferred to that. The banning of Ah-mei was clearly linked to Beijing's broader attempt to enforce its increasingly hard line against Taiwan.

This blatant censorship was a frontal attack on Coca-Cola's freedom of expression, and Ah-mei's, and that of her fans, too. It was also an attack on Coke's bottom line. After the first six weeks of Ah-mei Sprite TV ads in 1999, Coke claimed that consumer awareness of the brand had doubled, and sales had grown substantially.

So how did this most American of multinationals fight back? A lawsuit? A plea for help from the U.S. government? Actually, Coke rolled over, without a peep of protest. The company was "unhappy" about the ban, says Robert Baskin, the company's director of media relations, but "as a local business, we will respect the authority of local regulators and we will abide by their decisions."

Trade and investment with the People's Republic has sometimes been sold as a kind of universal political solvent: The more U.S. firms get involved in the Chinese economy, the theory goes, the better the chances that American political values will, over time, penetrate the Communist-run society as well. We heard a lot of this during the recent debate over permanent normal trading status for China. The case of Coke's Ah-mei ads provides a rough test of how well this argument stands up in the here and now.

To be sure, you could argue that the fact that China felt constrained to justify its ban on the big U.S. firm's ads represents a kind of progress. Coke's presence in China is, of course, not hurting the Chinese people. Insofar as it provides jobs, income and tasty carbonated beverages, it makes life better and, in economic terms, freer. Coke runs a scholarship program that supports some 700 low-income Chinese university students.

Nor is Coke the first American firm to alter its advertising in China for political reasons. Two years ago Apple Computer actually censored itself, voluntarily removing images of the Dalai Lama—living symbol of Tibetan resistance to Chinese domination—from its "Think Different" ads in Hong Kong. A spokesperson for the company said at the time that "where there are political sensitivities, we did not want to offend anyone"—i.e., Apple didn't want to incur the wrath of Beijing by even seeming to urge Chinese citizens to think different about

Tibet. (Coke will continue to use its Ah-mei ads in Hong Kong and Taiwan.)

The point is that in the struggle over what values ultimately reign in China, the Chinese state is hardly helpless against the impact of American commerce. When pushed, firms such as Coke will be flexible about freedom of speech—and even, it seems, sacrifice some short-term profits—if they deem it necessary to preserve the long-term market access conferred by a prickly authoritarian government. And who can blame them? Coke and other multinationals are fundamentally economic, not political, institutions. They have to answer to their shareholders.

The Chinese regime's priorities are equally clear: it wants economic development; it wants foreign investment; it wants Sprite; it even tolerates entertainment imported from the renegade province across the Taiwan Strait. But what it really wants more than any of those things is ideological purity on such vital issues as Taiwan's political status. If your company won't accommodate itself to that hierarchy of values, Beijing will find a competitor who will. The Chinese Communist Party is a political institution. And it answers to no one.

Thus is a mighty Atlanta-based multinational with \$20 billion in annual global sales reduced to an obedient "local business."

#### PLA-FIRMS PLAN "COMPLETED"

XIAO YU

Beijing says it has completed its programme of removing thousands of firms from ownership by the military and judicial departments, in an effort to cut corruption.

Figures now made available, although incomplete, show that the PLA and departments of the judiciary used to own 37,670 businesses. By April 19, 459—52 percent—had been disbanded. Of these, 3,928 belonged to the PLA and 15,531 to judicial bodies.

In the past two years, local authorities have taken over 2,956 companies and firms from the PLA and 3,536 from judicial bodies. The PLA has kept 1,346 business enterprises under its wings and judicial bodies have retained 4,757 ventures. The PLA includes not just the military but also the armed police forces. Similarly, judicial bodies cover the police, prosecutors and courts.

President Jiang Zemin made the decision for the PLA and judiciary to spin off their business interests in 1998. It was seen as a major move to curb rampant corruption and smuggling.

First announcing completion of the programme in May, Vice President Hu Jintao reiterated Beijing's determination to stop the "serious harm" of military-backed business ventures.

"These companies take advantage of their special connection and enjoy all kinds of perks. Some even make use of the army, armed police and judicial organs to run monopolies, compete for profits against private business and threaten fair trade," he said.

Mr. Hu said army and judicial bodies must be run with government funding and he urged all levels of government to guarantee their budgets.

#### TRAVELERS INSURANCE, SAFECO LOSE CHINA OPERATING LICENSES

(12 June 2000) The Beijing representative offices of three foreign insurance companies in China have had their licenses revoked by the China Insurance Regulatory Commission (CIRC), Zhongguo Xinwen She (China News Service) reported on June 12.

These include two U.S.-based firms—Travelers Insurance (a member of Citigroup) and Safeco (US) Co.—and the Hong Kong-based Gui-Jiang Insurance Agency Co.

As stated in the article, the CIRC claims these firms "have violated the relevant insurance rules and regulations of China."

These regulations include: changing an operations' address without approval; failing to submit annual work reports to regulatory authorities regarding the work of the representative office; and failing to submit annual reports to regulatory authorities of the companies represented.

According to China News Service, CIRC officials believe the foreign rep offices "seriously violated the 'Administrative Rules Regarding Representative Offices of Foreign Insurance Companies in China.'"

The official also said that some representative offices of foreign insurance companies continue to violate relevant rules.

Last year, the CIRC designated the "Administrative Rules" as the primary guide to regulating foreign insurance companies.

By the end of last year, there were 113 foreign-invested insurance institutions from 17 economies working in China through nearly 200 representative offices in 14 cities.

China's \$70 billion annual trade surplus with the United States will continue to grow; and since the PNTR vote, Beijing is continuing its massive buildup in its military arena. There are new reports of the transfer of Chinese weapons of mass destruction and other types of deadly technologies to rogue nations. At the same time, this regime is attempting to galvanize international opposition to the United States in our efforts to build a missile defense system.

Since the vote on PNTR, the Chinese military has continued its missile buildup and has continued to call for the democratic government in Taiwan to surrender and become subject to Beijing. In addition, Beijing is now attempting to buy more naval destroyers from Russia, armed with the deadly Sunburn nuclear-capable anti-ship missiles that were developed in Russia for one reason, to destroy American aircraft carriers.

Since the PNTR vote, the Communist regime in Beijing has contracted for two more of these deadly naval weapons systems. Since the PNTR vote, there has been no move toward democratic reform or credible rule of law in China.

Now, these are all things we were told was going to happen, all the good things that would happen if Congress just showed our goodwill by voting for permanent normal trade relations. Instead, things have gone in the opposite direction. Jiang Zemin and his party have intensified the crackdowns on religion and on the media and within the academic community. The regime's quasi-Maoist anti-rightist campaign has spread throughout China since our vote on PNTR. Since our vote on PNTR, the State-run media has called the Dalai Lama a rapist and a cannibal, end of quote. This, of course, while the Communist regime in Beijing

continues to commit its genocide in Tibet.

Ominously, after our PNTR vote the regime issued a decree ordering Communist political cells to be formed in all private corporations.

Now we have been sold this bill of goods. We have been sold a bill of goods: Vote for permanent normal trade relations and things are going to go in the opposite direction. However, since our vote on PNTR, things have been going in the wrong direction. They continue to escalate going in precisely the opposite direction than we were told would happen if we simply would show a sign of good faith by giving permanent normal trade relations, which means subsidies to American corporations to invest and create factories in China; if we just do that, things will get better and there will be improvements along these other lines.

We have heard repeatedly that U.S. information technology in China is key to promoting democracy and free speech. However, since the PNTR vote, the Chinese Communist security services have stepped up their use of advanced western technology to do what? To crack down on Internet users. Sadly, during the past month, U.S. companies in China have ignored pleas for human rights and have ignored requests for them to speak out for people who were arrested or in some way under attack for some policy agreement with the Communist Chinese regime.

U.S. corporations have been compliant, thus, with Communist censorship. Who is having an effect on whom here? Is our engagement with them making them more democratic or are they corrupting our process and undermining America's commitment to freedom and democracy?

For example, after the PNTR vote, the music of one of the most popular female singers in China, who happens to be from Taiwan, was banned because she sang at the inauguration of Taiwan's democratically elected President. Subsequently, the Coca Cola Company was ordered by Beijing to destroy all advertising that featured her image at a cost of millions of dollars. Did Coca Cola put up resistance in the name of free trade or free expression? Was this the kind of engagement that would certainly point to Beijing and say, look, this is what we really believe in freedom and that is what they should not do if they believe in freedom?

No, they did not do that at all. What they did was comply with the demand of the Beijing dictatorship. Engagement is not helping them become more democratic. It is corrupting the United States of America and it is undermining America's commitment to democracy and freedom, as well as, I might add, adding subsidies to people who want to close factories here and

open factories there. All of these things are sinful and all of these things have been even worse since our vote for permanent normal trade relations.

Increasingly, Mr. Speaker, in dealing with an unreformed China what is happening is it is ending up with a betrayal of fundamental American values for which our children will some day pay a heavy price and the working men and women of America are paying the price today with their factories being shut and these companies going with tax subsidies to Mainland China to create jobs.

I ask for support of my resolution, H.J. Res. 103.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), our distinguished colleague.

Mr. FOLEY. Mr. Speaker, first my congratulations to the chairman on a good discussion here today, and particularly the gentleman from Michigan (Mr. LEVIN) from the Democratic side who has taken a lot of extra efforts to make certain that this is a balanced approach to trade. He has taken some significant pressure back home from constituents. He understands some of the concerns raised by the gentleman from California (Mr. ROHRBACHER) and wants to make certain human rights are protected, religious expressions allowed.

I have visited China twice and can say from a personal observation that there is an emerging thought in China amongst the young people, amongst the average citizens, that suggests that they may in fact be able to change the way Mainland China thinks; they may be able to influence their leaders in the future. But the one thing became apparent to me, having visited there, is that we have to be there in order to facilitate that dialogue.

I think clearly the gentleman from Illinois (Mr. CRANE) has been very, very admirable in listening to all sides of the debate and taking into consideration the concerns the gentleman from California (Mr. ROHRBACHER) has raised. I know he does not just make these characterizations without some background and some deep thought. I know he cares deeply about this debate and about the people of Taiwan and the Dalai Lama and others, and I do not criticize that strong voice that he brings to the floor today, but my various points of view that I have been able to study and look at suggest that there is progress on some of those fronts, maybe not as much as we would all like and, yes, there are some threats to average citizens, but I sense that if the American country, the people of our country, our corporate participants that provide jobs and provide opportunity, are not engaged in China, then we will not be able to impact or

change the dynamic of the Communist government; we will not be able to provide incentives for young people that recognize that entrepreneurial nationalism as it is in America is something to strive for; freedom of expression is something to be proud of.

It takes time to change people's ways of thinking. So I again urge a negative vote on the amendment of the gentleman from California (Mr. ROHRBACHER) but urge that we continue to have this kind of spirited debate so we can resolve some of the underlying issues we bring to the floor today.

□ 1330

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL), who has been involved in fighting for worker rights in this country and around the world.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I rise in support of the resolution. Many of my colleagues on both sides of the aisle would like to keep this debate low key, below the radar screen this afternoon. They would like for this issue to go away. In the land of freedom, this may be the last time we debate the issue on the floor of the Congress, the Congress of the people, the House of the people; this may be the last time we debate the issue of trade with China. Sadly, this could be the last debate. We will never have the ability to voice our concerns about an authoritarian government whose regime this House has recently voted to coddle, to patronize. Free trade with China is an oxymoron. Check the record. Check the record.

Mr. Speaker, I would like to use this time to talk about an even bigger picture. In his book, the Lexus in the Olive Tree, New York Times columnist Tom Friedman lays out what he calls globalization. We have addressed that issue not only with trade, but in foreign policy and a lot of other things, the subject of globalization. Friedman's contention is that no longer will there be Democrats and Republicans, one will either be a free trader, or not; one will be a globalizer, or not. Globalization means the spread of free market capitalism to virtually every country in the world. He talks about how these trade agreements we are talking about are the wave of the future. Get with it, I say to the gentleman from California (Mr. ROHRBACHER). Get with it, I say to the gentleman from Ohio (Mr. BROWN), my friend. You are not with it.

The proponents of PNTR won their battle by arguing that we, the opponents, were against trade and globalization. It was clever. I cannot stress this point enough. We are not against trade, and we are not against a global economy. Mr. Speaker, I am

against deals that cause my State, the State of New Jersey, to lose 22,000 jobs. Yes, I am against that. I am against deals that see our textile industry exported overseas in the name of economic progress. Yes, I am against that.

While Mr. Friedman talks of globalization and the interconnection of economies, which is something that we cannot question, which will be good for big business, our constituents will see their technical and manufacturing jobs exported overseas. This sort of global economy will see jobs that were someone's career. Our grandparents who came here had these entry-level jobs, and we continue to export these manufacturing jobs against the very people who used them. Out of one side of our mouth we talk about the immigrants coming to America, but the very jobs that we work at will no longer be here.

Mr. Speaker, we have no longer a war on turf in America or in the world. We are not going to be fighting over boundaries, I say to my good friend from New York. I know that. But to think that the boundary lines are going to be the competitive forces playing out on Wall Street and on the Internet is to bury our heads in the sand. It is absolutely unforgivable what we have done in the last 3 months on the subject of trade with an enemy. Our enemy is not the Chinese people, it is the authoritarian government; and it goes long before 50 years that that government was authoritarian.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKEY), my distinguished colleague and friend.

Mr. VISCLOSKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the resolution of the gentleman from California and essentially do so for two reasons: the first is, we have, I think, an opportunity to provide an incentive for the Chinese to engage in fair international competition. I think we have an opportunity to provide an incentive for the Chinese to improve their labor standards, human rights standards. I think we have an opportunity to provide an incentive for the Chinese to improve their environmental standards.

However, I think if we continually on an analyzed basis and potentially on a permanent basis grant most favored nations status to the country of China, we have removed that last incentive to do these things. I think it is incumbent upon all of us that believe those changes are necessary is to say if you are going to do them, show us that you will.

Secondly, I do think that we have to change the focus of the debate and recognize that we have a choice to make today and every day, and that is

whether we are going to fight and negotiate to raise environmental standards, raise international labor standards; or are we simply going to engage in a race to the bottom because that is the way the world is today as we find it; that is the way we will accept the world as we find it, and we will accommodate ourselves.

Mr. Speaker, for 50 years we have spent the Treasury of the United States, and tens of thousands of young Americans have given their lives to secure our freedom, to win the Cold War, and to provide an opportunity for democracy to spread across the world. I think we have to make the same commitment to have our economic form of government also spread across the globe and not race to the bottom, but work every day to improve those international standards. We are not doing that if we do not support the gentleman's resolution.

Mr. ROHRABACHER. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, who knows full well that in this bill there are subsidies to American corporations to close their doors here and open up factories in the dictatorship in China to use their slave labor.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the legislation by the gentleman from California (Mr. ROHRABACHER) that is before us today disapproving the extension of nondiscriminatory treatment to the People's Republic of China.

On May 24, when the House considered a measure providing permanent normal trade relations to China, I cited then a number of significant concerns in our relations with China regarding the enforcement of trade agreements, the documentation of human rights abuses, and the continued evidence of China's nuclear proliferation.

Over the past several months, additional evidence has emerged that China continues to play a key role in supplying sensitive nuclear missile and chemical weapons technology to a number of states of concern around the world. In particular, nonproliferation experts in and out of our government believe that China has provided critical assistance to the Pakistani nuclear weapons program.

To meet this growing threat to international peace and stability in Asia and around the world, I joined with the gentleman from Massachusetts (Mr. MARKEY), my friend and colleague, in introducing on July 13 the China Nonproliferation Act, a companion measure to S. 2645 introduced by Senators THOMPSON and TORRICELLI.

In short, our concerns about irresponsible Chinese policies regarding the export of dangerous weapons of mass destruction are of even greater concern today than they were several

months ago during the debate on granting PNTR status for China. Approving this resolution, Mr. Speaker, of disapproval would send the right signal to Beijing that business as usual in Chinese weapons and technology exports is undermining our friends and allies throughout Asia and the Middle East.

China's continuing military buildup has only emboldened that nation to claim islands and territories belonging to the Philippines and its other neighbors in the region. Its illegal occupation of Tibet and its brutal repression of the Tibetan people continues unabated.

Under the current annual review arrangement, we in the Congress are able to fully examine and to debate the current human rights situation in China and its observance of religious freedoms. I ask my colleagues that if China is allowed to trample on the basic freedoms of its own citizens, how can we tell other nations in Asia and in Africa and elsewhere that they must not violate those freedoms?

I would also note that a recent report of our U.S. Commission on International Religious Freedom was unanimous in its conclusions that China needs to take concrete steps to release all persons imprisoned for their religious beliefs and to take concrete measures to improve their respect for religious freedom.

Accordingly, Mr. Speaker, I urge our colleagues to support this resolution, disapproving the extension of the nondiscriminatory treatment of the People's Republic of China.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), our distinguished colleague.

Mr. BEREUTER. Mr. Speaker, as chairman of the Subcommittee on Asian and the Pacific of the Committee on International Relations, this Member rises in opposition to House Joint Resolution 103. Despite the recent supercharged and misleading claims by opponents to NTR that this vote is about rewarding China, it is not that at all, but instead, a vote for our national interests, just as was the case with the successful passage on May 24 of legislation to provide permanent normal trade relations for China and the context of its accession to the World Trade Organization.

This Member strongly supports the continuation of normal trade relations, NTR, status for China because it is unmistakably in America's short-term and long-term national interests.

First, the continuation of NTR directly benefits American economic prosperity, just as it has done for the past 20 consecutive years. Regardless of what this body does, China will join the WTO and be required to take major actions to open up its vast markets of 1.2 billion consumers. However, if this

body recklessly disrupts current trade by failing to continue China's current NTR status during this interim period, we certainly jeopardize our ability to take advantage of the benefits of China's WTO accession and give an unfair advantage to our international competitors.

Second, continued NTR supports the U.S. national security objective of maintaining peace and stability in East Asia. Expanding trade with China and supporting further economic liberalization, and eventual political reform in China provides a means of giving China a stake in the peaceful, stable economically dynamic Asia Pacific region. If China, on the other hand, concludes that we have concluded it as our adversary, resources China currently devotes to economic reform could easily be reallocated to military expansion and modernization with adverse consequences for Taiwan and for our allies in Korea and Japan, and a destabilized region. A rejection of NTR could well trigger such a reaction from Beijing. Confronting China in this scenario will require much more than the 100,000-person military force we presently have in the Pacific area.

Mr. Speaker, this particular annual debate, triggered again this year by H.J. Res. 103, has become highly counterproductive. It is very damaging to Sino-American relations, and importantly, with little or no positive results in China on human rights or freedom, or any positive impact on our relationship with that country and its people.

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Given the strong support and 40-vote margin this body provided in passing PNTR on May 24, denying the continuation of NTR during this interim period is self-evidently neither in our short- nor long-term national interest, and therefore, this Member strongly urges his colleagues to join him opposing House Joint Resolution 103.

This Member, in contrast to what the gentleman from New Jersey says, does not intend that this have a low-key atmosphere. If Members are convinced of the rightness of their position in opposition to the resolution, let it have full public scrutiny.

The gentleman from Michigan and I have established, by our action, in the House, at least, and we expect that the other body will consider it soon, an opportunity for a full review of what China does in human rights by the creation of an executive-legislative branch Helsinki-type Commission. We in the Congress are going to have plenty of opportunity to scrutinize what they do with respect to their people. That is a better mechanism than we have now. It is a better mechanism than this annual debate.

I urge my colleagues to vote "no" on the Rohrabacher resolution.



Mr. Speaker, as this Member mentioned, this body passed H.R. 4444, legislation granting Permanent Normal Trade Relations (PNTR) to China in the context of China's accession to the World Trade Organization (WTO) by a strong margin of 40 votes: 237–197. As the other body has not yet acted on this important legislation and China is still negotiating its WTO accession protocols, the continuation of normal trade with China during this interim requires another annual Presidential waiver as contained in the Trade Act of 1974. Unfortunately, despite the support in the House for Normal Trade Relations with China, as reflected by the successful passage of PNTR, the introduction of H.J. Res. 103 requires the House to vote on extending Normal Trade Relations status for China yet again.

There is perhaps no more important set of related foreign policy issues for the 21st century than the challenges and opportunities posed by the emergence of a powerful and fast-growing China. However, today we are not having a debate focused on those important challenges. Instead, as we have in the past, we are debating whether to impose 1930s Great Depression-era Smoot-Hawley trade tariffs on China that the rest of the world and China know for our own American interests we realistically will never impose.

This Member again points out that this particular annual debate has become highly counterproductive as it unnecessarily wastes our precious foreign policy leverage and seriously damages our Government's credibility with the leadership of China and with our allies. It hinders our ability to coax the Chinese into the international system of world trade rules, non-proliferation norms, and human rights standards. Moreover, Beijing knows the United States cannot deny NTR without severely harming American workers, farmers, consumers or businesses, or do it without devastating the economies of Hong Kong and Taiwan.

It is true, as NRT opponents argue, that ending normal trade relations with China would deliver a very serious blow to the Chinese economy, but the draconian action of raising the average weighted tariff on Chinese imports to 44 percent instead of the current average of 4 to 5 percent would severely harm the United States economy as well. China is already the 13th largest market abroad for American goods and the 4th largest market for American agricultural exports. If NTR is denied to China, Beijing will certainly retaliate against the over \$14 billion in U.S. exports to China. As a result, many of the approximately 200,000 high-paying export jobs related to United States-China trade would disappear while the European Union, Canada, Japan, Australia, Brazil, and other major trading nations would rush to fill the void.

Regardless of how this body votes on NTR, China will soon join the WTO and be required to take major actions to open up its vast market of 1.2 billion consumers. As part of China's WTO accession process, the U.S. negotiated an outstanding export-oriented, market access agreement which significantly lowers China's high import tariffs and allows for direct marketing and distributing in China. For example, the tariff on beef will fall from 45 percent to just 12 percent. Quantitative restrictions on oil

seeds and soybean imports are abolished. Indeed, it is projected that by 2003, China could account for 37 percent of future growth in U.S. agricultural exports. Prior to the agreement, China frequently required manufacturing offsets—most products sold in China had to be made in China. This export-oriented agreement abolishes that unfair offset and eliminates currently required industrial technology transfers allowing products made in America to be sold in China. This agreement makes it less likely that American companies need to open foreign factories and thereby export jobs. Given that America's markets are already open at WTO standards to Chinese exports, the U.S. has effectively given up nothing with the new agreement; all the concessions have been made by China.

However, during this interim period as China continues to take the steps necessary to join the WTO, it is necessary to provide continued, uninterrupted NTR status to China on an annual basis to help ensure that American commercial interests remain engaged in China in preparation for the opening of China required when China joins the WTO. For the past 20 years, the U.S. has provided China with NTR status on an annual basis. It appears to make no sense to this Member to revoke China's NTR status now and only for an interim period thereby significantly jeopardizing the ability of the U.S. to take advantage of the benefits of China's forthcoming accession to the WTO.

To elaborate on our own national security interests, the continuation of NTR for China, indeed, supports the U.S. national security objective of maintaining peace and stability in East Asia. Sino-American relations are increasingly problematic and uncertain. In the wake of our accidental bombing of China's embassy in Belgrade and China's confusion about U.S. continuing support for Taiwan, rejection of NTR, if only for an interim period, could result in a resurgence of resentful nationalism as hard-liners in Beijing characterize a negative NTR vote as an American attempt to weaken and contain China. Resources China currently devotes to economic reform could easily be reallocated to military expansion with adverse consequences for Taiwan and our allies in Korea and Japan, and a destabilized region. Confronting China in this scenario will require much more than the 100,000 strong force we presently have in the Pacific. China is not a strategic partner; it is increasingly as economic competitor that is growing as a regional power. However, it is not an adversary. If the United States is astute and firm—if America increases our engagement with China and helps integrate it into the international community—it is certainly still possible to encourage China along the path to a complementary relationship with America instead of an incredible level of conflict.

China is emerging from years of isolation and the future direction of China remains in flux—more than any major country. WTO accession and continued—and hopefully soon to be permanent—NTR are critical for the success of China's economic reform process and those Chinese leaders, like Premier Zhu Rongji, who support it. These reforms, being pursued over the formidable opposition of old-style Communist hardliners, will eventually provide the foundation for a more open econ-

omy there, a process that, in the long term, should facilitate political liberalization and improved human rights. In the near term, China will be required more and more to govern civil society on the basis of the rule of law, clearly a positive development we should be encouraging. Rejection of this standard annual renewal of NTR prior to providing China with PNTR would, indeed, jeopardize the pace and scope of these reforms in China.

Continuing to provide China with NTR and China's accession to the WTO does not guarantee that China will always take a responsible, constructive course. That is why the distinguished gentleman from Michigan [Mr. LEVIN] and this Member proposed an initiative which was attached to the recently-passed legislation providing PNTR that incorporates special import anti-surge protections for the U.S. and other trade enforcement resources for our government to ensure China's compliance with WTO rules. This initiative also proposes a new Congressional-Executive Commission on Chinese Human Rights that will report to the Congress annually on human rights concerns, including recommendations for timely legislative action.

Mr. Speaker, this Member believes that these additional provisions, particularly the Commission on Chinese Human Rights with the guaranteed review of its findings and recommendations by the appropriate standing committee in the House, do, indeed, address the multi-faceted concerns of our colleagues. The Levin-Bereuter initiative assures that China's compliance with their commitments and their human rights record will certainly not be ignored by the Congress or the Executive Branch. The Commission will be a far more effective way to address human rights issues than the noisy but ineffective annual debate on extending NTR.

Some have advocated the revocation of NTR status for China in order to punish Beijing for weapons proliferation and its espionage operations against the United States. As one of the nine members of the bipartisan Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China which investigated and reported on Chinese espionage, and as a former counter-intelligence officer in our military, this Member adamantly rejects such linkage. The United States has been and will continue to be the target of foreign, including Chinese, espionage. We should have expected China to spy on us, just as we should know that others, including our allies, spy on us. While our outrage at China for spying is understandable, that anger and energy ought to be directed on correcting the severe and inexcusable problems in our own government. Our losses are ultimately the result of our own government's lax security, indifference, naivete and incompetence, especially in our Department of Energy weapons laboratories, the National Security Council and the Federal Bureau of Investigation. The scope and quality of our own counter-intelligence operations, especially those associated with the Department of Energy's weapons labs, are completely unrelated to whether or not a country like China has NTR status. Indeed, revoking NTR status for China does absolutely nothing to improve the security of our weapons labs or protect militarily sensitive technologies. However, this

feel-good symbolic act of punishment would inflict severe harm on American business and the 200,000 American jobs that exports to China provide. It makes no sense to punish American farmers and workers for the gross security lapses by our own government of which the Chinese—and undoubtedly other nations—took advantage.

Similarly, revoking NTR status during this interim period before China's accession to the WTO for proliferation reasons will have minimal, if any, impact in halting Chinese proliferation. On the contrary, China's likely reaction would be to refuse any cooperation on this issue to the detriment of U.S. national security interests around the globe.

The United States has convinced nearly every other country in the region that the best way to avoid conflict is to engage each other in trade and closer economic ties. Abandoning this basic tenet of our foreign policy with China—as H.J. Res. 103 would certainly do—would be a serious shock and would be an extraordinary setback from much of what our nation has been trying to achieve in the entire Asia-Pacific region. It would send many countries scrambling to choose between China or the United States.

We should first do no harm to our own nation and America's citizens. Rejecting annual NTR status for China is self-evidently neither in our short term nor our long term national interest. Therefore, Mr. Speaker, this Member is strongly opposed to H.J. Res. 103 and again urgently urges its rejection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Cleveland, Ohio (Mr. KUCINICH), who has opposed our government's policy of subsidizing industry's practice of shutting down U.S. plants and moving them to China.

Mr. KUCINICH. Mr. Speaker, the fact that today's vote on annual renewal of MFN with China occurs after the House's previous close vote granting China permanent MFN gives us a chance to re-evaluate the wisdom of our action.

Since that vote in May, we have learned that several of our assumptions about the meaning of the vote and of China's role in the world have proven false. Consider this. The Wall Street Journal ran an article that I want to quote from. The headline was, "House Vote Primes U.S. to Boost Investments in China."

The article says that the China deal with the U.S. on trade has less to do with U.S. workers making and exporting goods to the Chinese and more about Chinese workers working in U.S.-owned factories in China for import to the U.S.

The Journal quotes a Wall Street economist saying, "This deal is about investments, not exports." Indeed, the same article quotes a Washington-based analyst who said: "U.S. exports will increase, but not at the rate of investment, and the corporate community has been quiet about that. They've been able to avoid telling that story."

I want to read that quote again. This is a Washington-based analyst: "U.S.

exports will increase, but not at the rate of investment, and the corporate community has been quiet about that. They've been able to avoid telling that story."

We are going to tell the story here. Since the vote for permanent MFN with China, a company in the Cleveland area which provides jobs for my constituents said it will close in the U.S. in favor of a new factory in China.

Mr. Speaker, as a director of the UAW in the Cleveland region wrote to his Senators last week, "The first casualty of normal trade relations has occurred. . . . It is obvious that Rubbermaid's cancellation of the Nestaway contract is not about world competition, it is about naked greed. Nestaway's story is about only one of the thousands of small American companies which are confronted with an economic squeeze brought about by unfair trade laws. PNTR for China will be the death knell for many small companies."

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the center core argument of this debate today is never addressed. People always try to ignore it. I would just like to draw the attention of those people reading the CONGRESSIONAL RECORD or listening to this debate to this, that over and over again we have stated that this is not about free trade. This is not a debate about free trade, or even engaging in China. People have a right to do business in China.

The reason why the American corporate community is insisting on normal trade relations status, which is a specific status, is so that those corporations can receive taxpayer subsidies and loan guarantees so they can close up their factories in the United States and open up factories in China to exploit a near slave labor, where people are not permitted to join unions, and do so at the taxpayers' risk, U.S. taxpayers' risk.

Mr. Speaker, this is a sin against the American people. It is not leading to more freedom. They are laughing at us because we are subsidizing their \$70 billion surplus which they are using to build weapons systems to kill the American military personnel that some day may have to confront their belligerency.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 103, which would terminate normal trade relations with China 60 days after enactment.

By raising tariffs to the prohibitive levels that applied before 1980, and thereby prompting mirror retaliation on the part of the Chinese against \$14 billion in U.S. exports, this bill would effectively extinguish trade relations between our two countries.

House Joint Resolution 103 is an annual resolution of disapproval of the President's recommendation to extend normal trade relations status to China under the Jackson-Vanik amendment to the Trade Act of 1974.

In light of our action earlier this year on H.R. 4444, rejecting House Joint Resolution 103 should be pro forma.

On May 24, after a vigorous debate which considered the opportunities that will be possible for the United States and the Chinese people when China accedes to the World Trade Organization, the House voted 237 to 197 to eliminate this annual review of China's NTR status upon China's accession to the WTO.

Unfortunately, H.R. 4444 is still pending in the other body, and I hope that H.R. 4444 will go as quickly as possible to the President without amendment. As the historic debate and the strong vote on H.R. 4444 documents, there is overwhelming support in this body for bringing China into the rules-based trading system of the WTO. It is the right thing to do for Americans and for the Chinese people.

Under the WTO deal, in exchange for applying tariffs on Chinese imports identical to those in effect now, United States exporters will have unprecedented access to 1.2 billion consumers in China. Tariffs on our exports to China will be steeply reduced, and the Chinese trade regime subject to the whole scale of reforms.

For example, under the agreement, average tariffs on agricultural goods would drop from 40 percent to 17 percent, Chinese tariffs on American-made automobiles would fall 75 percent, while quotas on U.S. auto exports to China would be eliminated entirely.

The opportunity we have to impose an enforceable system of fair trade rules on a nation of 1.2 billion people, as it emerges from the iron grip of communism and state planning, is one that cannot be lost. In my estimation, the revolutionary change WTO rules will bring to China dwarfs any other avenue of influence available to the United States.

Maintaining normal trade relations supports the continued presence of Americans throughout Chinese society, whether they be entrepreneurs, teachers, religious leaders, or missionaries. It is these individual contacts that are bringing our ideals of freedom to the Chinese people. These contacts would be lost if we revoked NTR.

The Reverend Pat Robertson has urged Congress "to keep the door to the message of freedom and God's love" open, not shut. "Leaving a billion people in spiritual darkness punishes not the Chinese government but the Chinese people," he wrote. "The only way to pursue morality is to engage China fully and openly as a friend."

Motorola, my corporate constituent, directly promotes the exchange of

ideas through its activities in China. For example, Motorola sends hundreds of Chinese employees to its United States facilities each year to attend technology, engineering, and management seminars. In a country where only 10 to 15 percent of the people have access to a college education, this is precious training that allows for eye-opening exposure to the American way of life.

H.R. 4444 has the active bipartisan support of more former presidents and cabinet officials, more distinguished Americans, more small businessmen and farmers, more Governors, more religious and human rights leaders, both here and in China, more of our allies, such as Taiwan and Great Britain, than any foreign policy or trade legislation in recent memory. H.R. 4444 even has the support of a past president of the United Auto Workers, Leonard Woodcock.

Denying normal trade relations with China means severing ties that would take years to repair. For the interests of all Americans and for the Chinese people, I urge a no vote on House Joint Resolution 103.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. McKINNEY), who understands this debate is about China, not about its 1 billion consumers but about 1 billion workers, many of whom work as slave labor.

Ms. McKINNEY. Mr. Speaker, the gentleman from California (Mr. ROHRABACHER), has it right, and I am pleased to support his bill. It is the only moral position to take.

It is amazing how far backwards this Congress will bend for big business. This Congress should stand for small people, for human need, and not corporate greed. Why else would a young woman work 70 hours a week for pennies an hour and end up owing the company? Two hundred years ago they called that sharecropping, and it was black people, but they never called it freedom. Yet, Kathi Lee Gifford handbags and Huffy bicycles and Timberland shoes and of course Nike, operate factories where the standard is to do just that.

We will hear folks talk about China trade bringing democratic values to the people. I think the people of China already have democratic values, and these corporations work with the repressive Chinese government to deny the Chinese people the democracy that they want.

Besides, U.S. corporations are running away from developing democracies as if they have the plague, and are instead investing in the world's worst authoritarian regimes. They have a history of doing that. That is why the slave trade flourished; so, too, trade with the Nazis.

By definition, what is happening in China, especially to women, is slavery.

If it was bad for America and it is bad for Sudan, then it is bad for China. We should not be supporting it.

I know American corporations can do better than that. That is why I have introduced the Corporate Code of Conduct. I urge my colleagues to support the Corporate Code of Conduct and to support this bill.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey (Mr. SMITH), one of this body's greatest spokesmen for human rights, who knows that we should not be subsidizing American corporations to close factories here and open them up in China.

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Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER) for yielding me this time and for his kind remarks. I have the highest respect for Mr. ROHRABACHER,—a true champion of human rights.

Mr. Speaker, in 1994, President Clinton decided to conduct an experiment. He decided to delink most favored nation status for China with human rights on the theory that more trade and investment with the United States would be the quickest way to persuade the government of China to treat its own people as human beings. At the same time, the Clinton administration gave up its power to use even the threat of the loss of MFN as a lever against Beijing's military aggression against Taiwan and other neighboring countries, and its military threats against the United States as well.

Mr. Speaker, we are now 6 years into these two risky experiments with the lives of 1.2 billion people who are unfortunate enough to live under a cruel dictatorship and with the national security of the U.S. and the whole free world hanging in the balance. Nobody can seriously argue that either experiment has been a success. Instead, it has brought the people of China 6 more years of torture, forced labor, forced abortion, and sterilization, the crushing of the free trade unions, the denial of fundamental rights of freedom of religion, of expression of assembly, and of the press.

The Chinese Communist regime is not only threatening to invade Taiwan, its senior military leaders have also threatened to attack the United States of America. These are our great business partners.

Mr. Speaker, here is what Wei Jingsheng, the father of the Chinese democracy movement and long-time prisoner of conscience said in 1999 about the practical effects of MFN on the everyday lives of political and religious prisoners in China:

"The attitude of prison authorities toward political prisoners is directly

related to the amount of pressure being exerted by the international community. When international pressure was high, the number of dissidents sent to prison declined drastically and prison conditions for political prisoners somewhat improved. In 1998, condemnation of China's position was abandoned entirely. The direct consequence of this easing of pressure was that, not only did the government crack down on activists attempting to organize an opposition party, but they also cruelly suppressed nonviolent demonstrations by ordinary people."

Mr. Speaker, that is not me talking, that is Wei Jingsheng. When the U.S. turns up the economic pressure of Beijing, the beatings and the torture are less severe and are imposed on fewer people. When the pressure lets up, the repression gets worse.

But, Mr. Speaker, Members do not have to take Wei's word for the fact that Beijing responds to strength rather than weakness. All we have to do is watch what happens when Beijing does something that the Clinton administration and big business really hate, such as tolerating software piracy.

When that happens, Mr. Speaker, do the constructive engagers follow their own advice? Do they decide to just grin and bear it, go on trading and investing in China in the hope that eventually the Chinese Government will see the light? No, they do not. Instead, they threaten to impose trade sanctions, the very sanctions they say are inappropriate or ineffective when it comes to stopping torture and other human rights abuses. Talk about misplaced priorities.

Mr. Speaker, the threat to withhold trade privileges works to persuade Beijing to respect international copyrights because the Chinese dictatorship values the U.S. as a market for their expanding economy. So when we threaten their access to our market, they respond by respecting international copyrights. Why should that not also work when it comes to stopping or at least mitigating torture of religious prisoners and political prisoners?

Maybe there is a reason, Mr. Speaker. Maybe the Chinese Government is more attached to torture than they are to software piracy, but maybe not.

Let us try and do an experiment, a more promising one than the failed experiment of delinkage. Let us hold out the hand of friendship to Beijing, as Ronald Reagan did to Gorbachev, but make it clear that American friendship and American largesse are conditional on Beijing's observing certain minimum standards of human decency. Let us convince them that good things will flow to them from the United States if and only if they stop threatening to invade Taiwan and to shoot missiles at Los Angeles.

Mr. Speaker, the constructive engagers continually want us to give

up our power and try any strategy except their own 6-year-old experiment which is looking more and more like a miserable failure. Since our May vote on PNTR, the U.S. Commission on International Religious Freedom has reported that the Beijing regime has intensified its repression of Uighur Muslims, the Tibetan Buddhists. It has intensified its crackdown on Falun Gong as well as to Catholic and Protestant leaders.

Mr. Speaker, I urge a yes vote on the measure offered by the gentleman from California (Mr. ROHRBACHER).

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, for his very important leadership on this issue.

We all have gone through this discussion very vigorously over the past several months. We know that this, as many people have said, was the most important vote that we would face, some reported in a generation, in their entire careers, whether we would grant permanent normal trade relations with the People's Republic of China.

Because we have not seen the completion of China's accession in the World Trade Organization, we are here today dealing with this annual renewal question. As we look at this issue, I have to say that, having listened to my friends with whom I disagree on this issue, the gentleman from California (Mr. ROHRBACHER) and the gentleman from California (Mr. HUNTER), I just listened to the statements of the gentleman from New Jersey (Mr. SMITH), no one is arguing about the problems that exist in China. We all know that they are there.

I think it is important for our colleagues who oppose us on this who support what really is a policy of trying to disengage, to end normal trade relations with China, we have to recognize that we do share the same goal of trying to ensure the recognition of human rights, to make sure that we maintain stability, the stability in the region, that we diminish the threat to Taiwan, that we do everything that we possibly can to recognize the rights of the people in Tibet. All of these questions, technology transfer, all of these are very high priorities for all of us.

The question is, how do we most effectively deal with them? Well, I argue that it is very clear that a policy of trying to encourage the spread of our Western values is the most effective way to deal with it.

Mr. Speaker, I am happy to report that we have an instance which has shown dramatic success, and that instance to which I am pleased to point to took place just 2 weeks ago. I am talking about the election in Mexico.

Now the gentleman from California (Mr. ROHRBACHER) suspected that I might want to hit him hard on this. I am not going to hit him, I am going to praise and congratulate him, because he stood in this well in 1993 when we, on a regular, on regular occasions would engage in debate with the gentlewoman from Toledo, Ohio (Ms. KAPTUR).

The gentleman from California (Mr. ROHRBACHER) and I were on the same side going against the gentlewoman from Ohio (Ms. KAPTUR) when we were arguing in behalf of the North American Free Trade Agreement. We realized as we were arguing for that that we were going to do everything that we could to enhance the economy of Mexico, to improve the standard of living.

At the time that we were debating the NAFTA, working hard with the gentleman from Arizona (Mr. KOLBE) my friend in the back of the Chamber here, and others, we argued that economic reform which began under President Salinas in 1988 was a very positive force. We saw privatization, decentralization. We saw President Salinas close down the largest oil refinery in Mexico City. We saw very bold moves towards free markets in Mexico.

When we were debating the NAFTA, one of the criticisms leveled by opponents to the NAFTA was the critical corruption that existed in Mexico, the fact that they did not have free and fair elections. We did not argue with that. But we said that there is an interdependence between economic and political freedom. Maintaining strong economic ties is the best way to bring about the kind of political change and reform that we all want to see take place.

So what is it that took place? We saw the implementation of the NAFTA. We have seen great benefits, dramatic improvement in economic relations, a great increase in exports from the United States to Mexico, from Mexico into the United States, a dramatic improvement in the standard of living to the point where Mexico's middle-class population is today larger than the entire Canadian population.

Yes, we still have problems. We all recognize that. But we did see for the first time free and fair elections. In 71 years of one-party rule, we had so many problems developed. President Zedillo, to his credit, said that he wanted self-determination in Mexico. Having followed economic reform, they brought about free and fair elections.

I was pleased, along with the former Secretary of State James Baker and the Mayor of San Diego Susan Golding to have led a delegation of 44 members observing that election. It was terrific. To see the enthusiasm the people of Mexico had for participating in an election where their votes actually count was very reassuring.

Mr. Speaker, the same thing is going to happen in the People's Republic of

China, not tomorrow, not next week, not next year, maybe not for 5 years or 10 years, but clearly based on the evidence that we have seen in Mexico, in South Korea, in Taiwan, that clearly is the wave of the future.

So expanding our values into China is the best way that we can deal with repression. Rejecting this resolution of disapproval, realizing that Taiwan is very supportive of maintaining our ties with China, those sorts of things will benefit us, they will benefit the people of China and help maintain world peace.

Vote no on this resolution of disapproval.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MASCARA) who recognizes that countries like Mexico and Taiwan are democracies and do not have slave labor camps like the People's Republic of China.

Mr. MASCARA. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise today in support of workers who do not have to toil in sweatshop conditions, workers who are not denied the right to organize, workers who are not confined to slave labor factories.

I rise in support of American workers, workers at Wheeling Pittsburgh Steel in my district, workers at Weirton Steel, in the textile mills of North Carolina and the auto factories of Michigan.

These are the people who have seen first hand the effects of unbalanced trade with China. These are real people who have seen their jobs moved overseas and their communities decimated.

I should mention from the start that I am a strong supporter of free trade. Our country has profited greatly from exports, and we are poised to take great strides as global leaders of the high-tech industry.

But free trade must be fair trade. We have suffered through many trade disputes with China without satisfactory resolution. Illegal dumping and subsidies have hurt scores of American companies and cost many workers their jobs.

We have been told that we must pass normal trade relations so that China can be admitted into the WTO. We are told that China's entry into the WTO will hold them accountable to international standards and lead them to respect the rule of law.

But the People's Republic of China have had a dismal record in previous trade agreements with our country. Moreover, the WTO itself has proven inconsistent in resolving trade disputes. Our country recently won two prominent WTO cases against the European Union, which has subsequently failed to honor both of these rulings.

If Europe can ignore WTO, what message does that send to China? What assurances should we have that our accession agreements are meaningful?

If we look for trade to change China, we are looking in the wrong direction. If we expect increased commerce to bring more freedom to the Chinese, we are being misled. The only thing we can be sure of is that our country's workers will be asked to risk their jobs in the hope that social and political conditions in China will improve.

I am unwilling to ask my constituents to make this sacrifice. I am not about to risk my neighbors' well-being for anybody, including China. I support the resolution to deny China most-favored-nation's status.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time, and I thank him once again for his hard work on permanent normal trade relations and his successful legislative efforts to help us in a bipartisan way establish, not just a yearly way of monitoring human rights, not just a monthly way of monitoring human rights, but a daily way of us trying to monitor and improve the human rights condition in China, something we are all very concerned about.

Mr. Speaker, Thomas Jefferson, the third President of the United States said that he sought "an empire for liberty". He was not content merely to say that the 13 original colonies were what we should improve our great Republic's emphasis on human rights and expanding liberties. He sought in 1803 to purchase the Louisiana territories or the Louisiana Purchase, as it was later called, and expand the United States. He also sought with the Lewis and Clark Expeditions in 1803 through 1806 to also look for a greater expansion of the United States.

As we debated permanent normal trade for China, many of us came to the conclusion that the status quo between the United States and China simply was not good enough for human rights, for the environment, and for trade, and that we wanted to change that. We wanted to penetrate the Chinese markets with products, not exporting our jobs. We wanted to see the Chinese improve on their human rights condition. It was not good enough.

□ 1415

Therefore, we sought an engagement strategy of confrontation, an engagement strategy of challenging the Chinese Government, an engagement strategy of penetrating their markets and opening up their markets to American products.

We are having a similar debate today. None of us are happy with the status quo. None of us think the Chinese have made enough progress on human rights. None of us feel that they have gone far enough in terms of emphasizing freedom and liberty, as Jef-

erson talked about. None of us feel like our workers are being fairly treated, at this point, with fair trade opportunities. So we came to a 13-year agreement to try to find ways to cut their barriers to trade, to cut their surplus on our trade, and try to find new ways for workers and farmers to get into their markets.

I would hope that we would continue, in the tradition of the permanent normal trade debate that we had, to find new ways to engage the Chinese to try to insist that the United States make trade policy national security policy, because our workers and our jobs depend upon it. So we have to get better fair trade policies. We have to get agreements that allow the Chinese to take down their barriers and quotas and tariffs to trade, and that is what we are trying to do with the permanent normal trade agreement.

So I would hope in a bipartisan way, Members of the Democratic and Republican parties would continue to try to come together and not only support, as we have, permanent normal trade, but fair trade policies. Not free trade but fair trade policies that penetrate the Chinese market, penetrate new markets; that do not sell our jobs overseas, but get our products into new markets.

Mr. ROHRABACHER. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. ROHRABACHER) has 12½ minutes remaining, the gentleman from Illinois (Mr. CRANE) has 13 minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 18½ minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 13½ minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that I be allowed to yield the balance of my time to the gentleman from Florida (Mr. STEARNS) and that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time, and let me say to all my colleagues who have been engaged in this debate that I think it has been a high-level debate.

I think the theme that my colleague and good friend, the gentleman from California (Mr. DREIER), just made was a central theme that has been advanced by the side in favor of most favored nation trading status for China. It is a theme that has resonated throughout this debate. The theme is essentially that when the United States moves trade dollars abroad and we engage in liberal trade practices with a nation, good things happen; and,

therefore, we can expect good things to happen with China.

I am reminded that in 1941, Carl Anderson, one of our former colleagues, the gentleman from Minnesota, warned his colleagues, and this was about 6 months before Pearl Harbor, that there was a chance that the American fleet might at some point be engaged with the Japanese fleet in combat. And he said at that time that when that engagement occurred we would be fighting a Japanese fleet that was built with American steel and fueled with American petroleum. Six months later, at Pearl Harbor, a lot of ships were sunk, a lot of planes destroyed, and 5,000 Americans killed and wounded by a Japanese fleet that was built with American steel and fueled with American petroleum.

That attempt at engagement with Japan's coprosperity sphere for Southeast Asia did not work. In fact, the fruits of American trade came back to kill Americans on the battlefields in the South Pacific. Similarly, the United States was one of the biggest investors in Nazi Germany, and I think we can all conclude that that massive transfer of funds did not work. It did not bring about good things.

Now, let us examine what China is doing with the trade dollars we are sending them. The second of the Sovremenny-class missile destroyers has now been delivered to China. This is the missile destroyer type built by the Russians for the sole purpose of killing American aircraft carriers. It is armed with the high speed Sunburn anti-ship missiles, which are very difficult to defend against. And that transfer is accompanied by the transfer of SU27 fighter aircraft, very high performance aircraft, also air-to-air refueling capability, which is now being purchased by the Chinese with American trade dollars. American trade dollars are also going to help construct the components of weapons of mass destruction and rocketry that is also being diffused around the world to such nations as Iraq and Syria.

So we are helping to build with American trade dollars a military machine, a war machine, in China. And I think it is a tragedy. Because in the century we have just left, where 619,000 Americans were killed in the bloodiest century in the history of the world, we left the century in a position of dominance, of absolute military dominance, having disassembled the Soviet empire.

Now, with our own hand, with \$70 billion a year in this trade imbalance with China, \$70 billion in American cash, we are helping to raise up with our own hand another superpower, which one day, either in proxy or by direct conflict, may engage American forces on battlefields and may kill American soldiers and sailors with technology and equipment that has been purchased with American trade

dollars. That is the tragedy of this MFN for China.

I realize it is a fait accompli, but I hope my colleagues will reflect on the military machine that we are constructing in this new century.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to what I regard to be a shortsighted and, I believe, a very misguided attempt to undermine continued progress in the U.S.-Chinese relationship.

Just a few months ago, a bipartisan majority of the House voted to extend permanent normal trade relations to China. Now, this is not a vote that occurred in a vacuum. It followed 10 years of annual review of China's human rights policies under the Jackson-Vanik procedures that is now the law pertaining to trade with China. Under these procedures, we spent the last decade in committee hearings and in debates here on the floor. We spent the last decade analyzing and reanalyzing virtually every aspect of the relationship that we have with China.

During that time I think two central tenets emerged. First, none of us are satisfied with the current political environment that exists in China. Second, all of us would like to see greater and more profound changes occur in China. On that we all agree. But then we diverge. We diverge on how we are going to bring that about.

There is a group in the House, a minority in the House, that believes the best way to effectuate change in China is by isolating them. I respect that point of view; I disagree with it. They would have us cut off economic and political ties to the most populous nation on earth by voting first against permanent normal trade relations and now, today, against the annual renewal of the Jackson-Vanik waiver.

A majority of the House, and the administration, rejects this view. They believe, as I do, that change in China is going to occur only if the United States continues to help nurture those elements within Chinese society that promote change; namely, the expanding free market system, a new civil society that is emerging, and reform of the political party system. And we can only nurture these elements if we are engaged.

This year, after a long national debate that preceded it, the House was faced with a stark choice between these competing views. The majority rejected isolationism in favor of engagement. We rejected the flawed annual Jackson-Vanik procedures in favor of a more thoughtful, long-term approach to U.S.-China relations. We believe the Senate will follow shortly and that a new and more productive era in U.S.-China relations will begin.

There are some in the U.S. Congress who want us to change course with today's vote. They urge that we return to unproductive policies of the past by voting against renewal of the Jackson-Vanik waiver this year. That would be a mistake, Mr. Speaker. This historic opportunity awaits us as we venture into the 21st century, an opportunity to help redefine our relationships with China, an opportunity to help bring greater security to Asia, and an opportunity to bring forth real change in China through the magic of the free enterprise.

A "yes" vote today would be a vote for the past. I urge my colleagues to vote against the failed policies of the past and for a more enlightened future. I urge a "no" vote on this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Toledo, Ohio (Ms. KAPTUR), who fights for justice so workers can share in the wealth that they create.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time and for his leadership on this issue, as well as the gentleman from California (Mr. ROHR-ABACHER); and I rise to express my strong support for this resolution to disapprove most favored nation status for China.

Why? Due to China's growing arrogance and record of transgressions, even in the wake of this body's unfortunate vote to grant unconditional permanent normal trade relations with China just a few weeks ago, by only a handful of votes I might add. So, what has happened? Three days after that vote, the Jiang regime clenched its fists even tighter on religious freedom in China when a Chinese court sentenced a Catholic priest to jail for 6 years. Why? For printing Bibles.

And then 10 days after the vote here in the House, Communist China repressed free speech again when Chinese officials arrested Huang Qi, a Chinese Web site operator, for posting articles about government corruption and human rights violations in China, including the 1989 massacre of pro-democracy students in Tiananmen Square. At 5:15 on June 3, with the Chinese police at his door, Huang posted his last message on his Web site. It said, "Thanks to all who make an effort on behalf of democracy in China." He wrote, "They have come. Goodbye."

Huang now faces a prison sentence of 10 years or more because the State says he is trying to subvert state power.

And then 2 weeks after the vote here in this House, Communist China proved its unworthiness again when China broke its promise to open its markets to California-based Qualcomm Corporation's cellular phone technology, a deal that was key to China's earning U.S. support to join the World Trade Organization. And that was after the premier of China had personally assured

Secretary Daley over at the Commerce Department that China would open its markets to Qualcomm, and they even signed a deal to that effect.

Based on this abysmal continuing record of oppression and human rights abuses, no one should support permanent extension. Today, we have a chance to cast a vote; and it should be for disapproving most favored nation relations with China.

Mr. STEARNS. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. TANCREDI).

Mr. TANCREDI. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleagues, I would like to ask how many people here believe that governments in general will do purposely, decisively things that are not in their national interest? Do we really believe that governments in the world, especially the Chinese Government, are so stupid, so unclear about who they are and what they want that they are going to do something that they believe would lead to their own demise?

Everything we have heard here today, and everything we heard during the debate on PNTR, suggests that we all have one goal, and that is to make sure that China changes itself from the totalitarian system that now exists, from the system that we have just heard described that takes away freedom from their own people, that enslaves people, that acts as an aggressor nation, that threatens its neighbors. We all want to change that; right? Everybody here has said that is their goal.

□ 1430

Well, do my colleagues really believe that the Chinese Government thinks that PNTR will in fact create that same metamorphosis inside of them? Of course not. Do my colleagues think it is at all odd that the Chinese Government wants PNTR? If they agreed with any Member on the floor here about the ramifications of PNTR, do my colleagues think they would be saying, yes, please let us have more trade so that we can become a gentler nation and a nicer, kinder, gentler nation so that we can actually dissolve ourselves into some sort of Jeffersonian democracy? Of course not.

What the Chinese Government knows and understands perfectly well is that what this trade does is in fact embolden them. It supports the regime. The Chinese people and the Chinese Government have a social compact they have entered into, and it is this. This is the agreement they have reached that the Government says, we will do more for you in terms of your economic welfare; and you, in turn, will keep us in power. That is the agreement.

What PNTR does and what normal trade relations does with China is to



stabilize an aggressive regime. They know it. That is why they support it.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), who has fought for workers' rights all over the globe and especially in the United States and Latin America and China.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments and for his leadership on this issue.

Mr. Speaker, all of us know this House has debated and resolved the question of China's trade status. But the concerns raised during that debate, the abuse of human rights, the destruction of the environment, the denial of religious freedom, China's failure to live up to trade agreements, we have not begun to even respond to those.

And the situation has only grown worse, as we just heard from the gentlewoman from Ohio (Ms. KAPTUR), who has by example illustrated to us what was promised and what was not fulfilled and what was broken soon after a vote we had.

In just the time since we voted on the permanent trade deal, China has only continued to back away from its commitments it made to the WTO. Of course, we may never know the extent to which China is violating its agreement since not all the funds that were promised to monitor that made it into the budget. Meanwhile, China remains an autocratic police state.

Did voting for permanent trade help Wang Changhuai? Wang was an auto worker at the Changsha engine factory. After the crackdown in 1989, Wang was tried and he was convicted of subversion. And what was his act of subversion? He helped organize a free trade union. For that crime he was sentenced to 13 years in prison.

Mr. Speaker, Bernard Malamud once wrote "the purpose of freedom is to create it for others." While trade with China may generate wealth for a few investors, it will not free brave men like Wang. Nor will it provide economic security to workers and their families right here at home.

We can undo today the mistakes of the past. I urge my colleagues to think about this issue more fully, and I hope we will not repeat the mistakes that we have made in the past in the future.

Mr. STEARNS. Mr. Speaker, can the Chair be kind enough to tell us the time remaining on each side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida has 6 minutes remaining. The gentleman from Illinois (Mr. CRANE) has 10 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 18½ minutes remaining. The gentleman from Ohio (Mr. BROWN) has 8½ minutes remaining.

The order of closing is the gentleman from Florida (Mr. STEARNS), the gentleman from Michigan (Mr. LEVIN), the gentleman from Ohio (Mr. BROWN), and

the gentleman from Illinois (Mr. CRANE).

Mr. STEARNS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have a vigorous debate on the House floor. There are not a lot of Members here, but it is important. Again, China's Government seems to me making things more difficult for itself. It admits recent reports of missile technology aid to Pakistan and using the Commerce Department's less-than-secure measure of granting defense and computer companies permission to hire Chinese technicians to work on sensitive export control technologies.

Again, earlier this month, The New York Times reported that the U.S. intelligence agencies have told the Clinton administration and Congress that China has continued to aid Pakistan in its efforts to build long-range missiles that could carry nuclear weapons. And just yesterday, The Washington Times reported that the Clinton administration has allowed the hiring of hundreds of Chinese technicians to work on military-related or dual use technologies.

China is stepping up its espionage presence in the U.S. through all means possible and continues to expand its military complex with U.S. trade dollars.

As said before, some see China as a strategic partner. My colleagues, I see China as a potential adversary.

So I urge my colleagues to vote yes on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume to close briefly and then I will let others refute if they want to.

Mr. Speaker, this is not going to be the last time that we debate our economic and trade relations with China. I hope not at all.

Indeed, China PNTR as it passed the House has been molded so that we will be assured of continuing surveillance, continuing oversight, continuing pressure, and continuing debate.

The whole purpose of that effort as we shaped and reshaped it was to make sure that we both engaged China and confronted it in terms of our economic and trade relations. As a result, as we have discussed, and I do not want to go into this in detail, we set up a commission that has major responsibilities, that is created at the highest level and that has jurisdiction in terms of human rights, including worker rights.

That commission is going to report back to this Congress with provisions written in to assure that we will be discussing and debating it. Indeed, I see these mechanisms, these instrumentalities as ways to assure our greater involvement, not our lessened involvement, our deeper engagement on a regular basis rather than the once-a-year consideration.

We also have provided that there shall be major enhanced oversight in monitoring responsibilities by the executive, including Commerce and USTR and, as I expressed earlier, the hope that there will be full appropriations for these purposes.

Also, we created within the legislation the strongest anti-surge provision that has ever been introduced and eventually, I trust, enacted into American law, a safeguard provision to make sure that if there is a major deleterious effect of this growing, complex relationship on American jobs in any particular sector there will be a prompt answer from the United States of America.

It is an effort to both expand trade but to do so shaping it. It is an effort that globalization will continue, in my judgment, there is no way to slam the door on it, but to shape it, to wrestle with these issues.

So I do think it is now important that we look to the future, that all of us join together in realizing that the challenges are mainly the challenges of the future and not of the past.

This is going to be a changing and difficult relationship. It is going to have a lot of edges to it, including rough edges. We are going to smooth them in an effective and constructive way, not by insulating ourselves or isolating China. Neither is going to work.

What will work is an activist, internationalist kind of approach to these problems that looks after the needs of American workers and businesses in a world that is indeed changing.

So I urge strongly that we vote no on this resolution. I take it that a no vote is indeed a yes vote to an activist effort to make sure that as China and the U.S. evolves into a fuller relationship that it will be one with our eyes open and one with our hands strong to make sure that American workers land on their feet and that American businesses as they work overseas conduct themselves in a way that we will be proud of.

Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last Saturday I went to Nicaragua with the National Labor Committee and visited workers in a neighborhood called Tipitapa. These workers work in a Taiwanese-owned company, Chentex. They sew blue jeans. They make 21 cents for every pair of blue jeans that is sold for \$24 in Wal-Mart, in Kohl's, in K-Mart in the United States.

These workers asked for a 13-cents-per-pair-of-jeans raise. Summarily, the union leaders and the workers were fired by this company. These workers work about 60 or 70 hours a week and are paid about \$30 or \$40 a week for their work. They do not share in the

wealth they create for their employer. They cannot buy the clothes, the products that they make.

General Motors workers in Mexico cannot buy the automobiles they make because they are not paid enough. Disney workers in Haiti cannot buy the toys they make because they are not paid enough. Nike workers in Indonesia cannot buy the shoes they make because they are not paid enough. The textile workers in Nicaragua cannot buy the jeans they make because they are not paid enough. And Nike workers in China cannot buy any of the Nikes that they make, they cannot buy the shoes, because they are not paid enough.

When I was in Nicaragua, I met a young woman named Kristina. She and her husband live in a very run-down shack papered with boxes. Her house, basically, is made out of shipping material, shipping crates that she got from the factory where she works. Kristina leaves every day at 6 o'clock in the morning, rides two city buses to get to work, takes her 2-year-old to her mother's house, arrives at work at 7 o'clock, works until 7 o'clock at night, goes and picks her 2-year-old daughter up, comes home, gets home about 9 o'clock. She leaves home at 6 she gets home at about 9 o'clock at night.

□ 1445

Her husband has an even longer schedule. She does that 6 days a week. She lives in substandard housing. Her daughter is suffering from malnutrition. You can look at the ends of her hair and see the protein deficiency that shows up in the discolored hair. She has no opportunities in life. They are not sharing in the wealth they create. They cannot buy the products they make.

Mr. Speaker, the tragedy of the global economy, the tragedy of how we have let the global economy develop, is that in democratic developing countries, investments leaving democratic developing countries like India and go to authoritarian developing countries like China. American business would prefer the workers in Indonesia because they cannot form unions, they do not talk back, they do not pay them any kind of real wages, they do not have worker safety laws, they do not have environmental laws. American companies would rather invest in Indonesia than democratic Taiwan. They would rather invest in China where they can pay slave labor. Kathie Lee/Walmart pays as little as 3 and 5 and 10 cents an hour. They would rather invest in China where they can pay slave labor wages instead of investing in democratic India.

Mr. Speaker, if we believe in this country, as we say we do, we believe in free enterprise, we do, it creates dynamism, it creates a dynamic, wealthy economy, we also believe in rules. We

believe in environmental laws, in food safety laws, in worker protection laws, in minimum-wage laws. We believe in free enterprise. We believe in rules.

Mr. Speaker, in the global economy, we believe in trade, we believe in openness, we believe in capitalism, but we need the same kind of rules.

Vote "yes" on the resolution.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI) who has been such a leader in this movement.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from California is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his great leadership on this issue.

I listened intently to the debate as we have had this debate over and over again; and I come to the floor in a little bit of a different approach and, that is, the Congress has spoken, the House has spoken on this issue. The House has placed the ball in China's court to comply with our bilateral agreement. The House has spoken to the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska's (Mr. BEREUTER) commission as the way to go to sort of calibrate the relationship between trade and human rights. So I think what choice do I have but to see this as an opportunity.

For 10 years many of us, the gentleman from Virginia (Mr. WOLF), the gentleman from Ohio (Mr. BROWN), for some of that and others, the gentleman from Michigan (Mr. LEVIN), have fought this fight about how do we improve trade, improve human rights and stop the proliferation of weapons of mass destruction by China. Again, the PNTR vote has been taken and a choice has been made. So in my optimistic spirit, I think that maybe putting that aside now, we can really focus on the human rights, proliferation and some of the trade issues in a way that does not menace, for some, the passage of PNTR. So with the air cleared and that decision made, hopefully we will all join together when we hear of some of the things that are happening in China that are not in furtherance of our national security, that is, promoting democratic values, stopping the proliferation of weapons of mass destruction, growing our economy by promoting exports abroad.

The reason, Mr. Speaker, we are having this vote today is because when we took the PNTR vote, and I am sure this was explained earlier, but I think it bears repeating, when we took the PNTR vote earlier in the year, it was to be effective when China became a member of the WTO. China has not met all of the requirements, and indeed today there is a wire story that says that China's bid for admission to WTO still faces major hurdles and more time is needed before it gets the green light.

They said compilation of key documents essential to the process were running into problems, with the United States and the European Union sensing that China was trying to water down parts of the agreement it has made with them.

At the same time, some developing countries, including India, were insisting despite China's objections that their domestic interests should have the same protection against floods of China's imports, especially textiles, as the big powers had won. It is far from over yet, said one key official. There is a lot more work still to do and a lot of problems to resolve.

Let us hope they do resolve them. Then they would get PNTR, but only then would they get PNTR. And some of the concerns that many of us had on the vote, we were not saying they should not get it, we were saying if and when they meet the criteria that is established, the standards in our bilateral, then we should give them PNTR. Let us give them a chance to take the initial steps. Well, they have not yet, but again the Congress has spoken.

I just want to make a couple of points. Since our vote, China, in terms of human rights, the day after the congressional vote on PNTR, China continued to persecute individuals for their religious beliefs. Reuters reported that a Chinese court sentenced a Roman Catholic priest to 6 years in jail only for printing Bibles. The arrests are part of a nationwide repression campaign on authorized religious activities.

Then on June 8, Chinese authorities arrested an operator of an Internet Web site because it posted news about dissidents and the government's 1989 crackdown on pro-democracy protest in Tiananmen Square. The Web site is a U.S.-based Internet service provider. In response to this, many people in the Internet world, which I come from, have said, well, wait until the Internet democratizes China. When this happened, they said, what can we say? If we say something, we will only endanger these people further.

The gentleman from Michigan's (Mr. LEVIN) commission is going to be very important in addressing some of these issues. Then on June 13, the Chinese police arrested members of the China Democracy Party which they have outlawed who were sentenced to 3 years in a labor camp for only asking for the release of a fellow dissident. Imagine that. Sentenced to 3 years for requesting the release of a fellow dissident. Many members of the China Democracy Party already serving long terms in labor camps throughout China. Yesterday China's middle school teachers were beaten and seriously injured by police for protesting a plan to force them to resign and take tests to get their jobs back.

Mr. Speaker, Congress has spoken but our work is not done. Hopefully we

can work together to improve human rights, trade and to stop the proliferation of weapons of mass destruction.

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, there will be no real human rights monitoring in China. The Russians were signatories of the Helsinki Final Accords and Helsinki worked. The Chinese will never sign or participate in the monitoring.

If every Member would go back and search your files, how many letters have you all sent to China on behalf of the Catholic bishops, the 14 Catholic bishops that are in jail? How many of you have sent a letter since we have passed PNTR?

I do not know why we are having a debate, but we are having it, and I think the gentlewoman from California made the case, your side won. But now have you done anything about the human rights concerns raised? Have you done anything about the fact that the Dalai Lama cannot return to Tibet and Tibet is still being plundered? Search your files. Have you done anything with regard to Tibet? Or have you done anything, as the gentlewoman talked about, to help house church leaders who have been arrested since we passed PNTR? Have you done anything with regard to them? Do you think Boeing has done anything with regard to the Catholic priests? Do you think Boeing, the head of Boeing, has done anything with regard to the evangelical house church leaders that have been arrested? Do you think Boeing has done anything with regard to the Catholic priest who went to jail for publishing the Bible? You all probably know that Boeing has not done anything.

Secondly, I think we are in the same mood as we were during the 1930s with regard to Winston Churchill and Nazi Germany. I think when I watch what is taking place in the other body, Senator THOMPSON is trying to do something and Members are urging him not to do anything because he may upset this. In closing, your side won. I wish their commission works. But in the meantime, not only those of us who have been against PNTR but those of you who have been for PNTR have an obligation, have a burden that every time you get a Dear Colleague letter from a Member asking that something be done to help a Catholic priest in China, you sign the letter. When there is something to be done with regard to a Catholic bishop, you sign the letter. When there is something to do with regard to Tibet and the Dalai Lama, you sign the letter. When there is something to be done to stop the persecution of the Moslems in the northwest portion of the country, you sign the letter. When we raise concerns with regard to nuclear proliferation in China, you sign the letter. If we can come to-

gether with regard to these issues of human rights and religious persecution, perhaps we can make some changes.

Mr. Speaker, I rise today in support of the resolution disapproving the extension of normal trade relations with China for another year.

Just two months ago we were on this floor debating the issue of granting permanent normal trade relations with China. At that time I and many of our colleagues provided evidence which showed that China has done nothing to deserve permanent access to U.S. markets. The evidence was strong in the areas of national security and human rights showing that the Chinese government is a brutal regime which poses a serious national security threat to the United States and which continues to commit human rights abuses and persecutes its own people for their religious beliefs.

In the past two months since the PNTR debate, the fears which many expressed about China's behavior have become reality and have been reported on by some of the major newspapers and leading news sources on China.

Immediately after the PNTR vote, the Washington Post published a lengthy article on the core planning document for the Joint Chiefs of Staff. This document reportedly says that there should be a new focus on Asia, in part because of the risk of a hostile relationship with China.

The article, stated: "Cautiously but steadily, the Pentagon is looking at Asia as the most likely arena for future military conflict . . ." The article reports that a Pentagon official estimates that ". . . about two-thirds of the forward looking games staged by the Pentagon over the last eight years have taken place partly or wholly in Asia." Aaron L. Friedberg, political scientist at Princeton University is quoted on this subject, saying ". . . however reluctantly, we are beginning to face up to the fact that we are likely over the next few years to be engaged in an ongoing military competition with China . . . Indeed in certain respects, we already are." I submit this article for the record.

China has exported weapons of mass destruction and missiles in violation of treaty commitments. The director of the CIA has said that China remains a "key supplier" of these weapons to Pakistan, Iran, and North Korea. Other reports indicate China has passed on similar weapons and technology to Libya and Syria. If one of these countries is involved in a conflict, it is very possible that our men and women in uniform could be called into harm's way. These weapons of mass destruction could then be targeted against American troops.

I am concerned about the alliance that seems to be forming between China and Russia against the U.S. China is purchasing as many weapons from Russia as it can. I am concerned with recent reports in the Taiwan press that Russia will dispatch its Pacific Fleet to check the route of the U.S. Seventh Fleet if the U.S. makes any movement toward Taiwan during a China-Taiwan conflict. I also submit this article for the record. Also, reports indicate that China has purchased advanced naval vessels and top of the line anti-ship mis-

siles from the Russians that specifically are meant to be used against U.S. aircraft carriers.

The Chinese government has continued to persecute people because of their faith. Compass Direct, a news service that covers global religious freedom, reports that the government has cracked down on the House Church in Anhui province with new restrictions entailing all new house churches that are unregistered with the government are outlawed; all unregistered meetings and Bible training classes are labeled as illegal activities; and well over one hundred House church believers have been arrested in the past few months.

Compass Direct also reports that:

Ten house church leaders were arrested in May in Guangdong province.

Two Beijing House church leaders have reportedly received 1½ year sentences in prison labor camps for organizing "illegal religious meetings".

An underground Catholic priest near Wenzhou Province, Father Jiang Sunian, was reportedly given a six-year jail sentence on May 25 for printing Bibles and other religious literature without official permission.

The head of China's Religious Affairs Bureau, recently said that the Communist Party will increase the Party's control of religious affairs and "redirect the religions toward the adaptation of the socialist society."

The U.S. Committee on International Religious Freedom has recently stated that the Chinese government has increased its persecution of the Muslim Uighurs in Northwest China. I submit the Commission's statement for the record.

Tibetan Buddhists continue to be persecuted and imprisoned by the Chinese communist government.

In the PNTR debate, we said China's military engages in organ trafficking. On June 15 the International Herald Tribune published an article on the Chinese government's role in the organ trafficking of prisoners. I submit this article for the record. The article says:

"The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day . . . The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed."

"China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoner's organs with poisonous chemicals, as lethal injections do, or directly effect the circulatory system, as would a bullet through the heart.

". . . kidneys are essentially handed out to the highest bidders . . ."

A Chinese official from the Health Ministry was quoted saying that the trafficking of executed prisoner's organs ". . . is put under stringent state control and must go through standard procedures."

In closing, since PNTR has passed, there is even more evidence about China's gross human rights violations, religious persecution, and information regarding the national security threat that China poses to the U.S.

As I said in my statement for the record during the PNTR debate, the U.S. is at a crossroads in its relationship with China. Wishful thinking and ignoring all of the evidence about China's human rights violations, religious persecution, and national security threat do not change the reality of the regime in China.

We need to learn what history teaches us about leadership. Leadership is not about seeing what we wish to see. Leadership is not about closing our eyes to the threats before us. Leadership is about clearly, lucidly, and forcefully addressing facts and truth and taking appropriate action.

The American way of life, our freedom can only be preserved by vigilance. Vigilance requires us to look at the situation in China today and conclude that the Chinese regime should not have received permanent trade relations with the U.S. until the questions of national security were adequately addressed and until there was a significant improvement in China's human rights record.

The same applies to this debate on extending approval of normal trade relations with China. Giving China PNTR was the wrong thing to do and for the same reasons, which are buttressed by even more evidence today, the U.S. should disapprove extension of China normal trade relations.

[From the Washington Post, May 26, 2000]

FOR PENTAGON, ASIA MOVING TO FOREFRONT

(By Thomas E. Ricks)

When Pentagon officials first sat down last year to update the core planning document of the Joint Chiefs of Staff, they listed China as a potential future adversary, a momentous change from the last decade of the Cold War.

But when the final version of the document, titled "Joint Vision 2020," is released next week, it will be far more discreet. Rather than explicitly pointing at China, it simply will warn of the possible rise of an unidentified "peer competitor."

The Joint Chiefs' wrestling with how to think about China—and how open to be about that effort—captures in a nutshell the U.S. military's quiet shift away from its traditional focus on Europe. Cautiously but steadily, the Pentagon is looking at Asia as the most likely arena for future military conflict, or at least competition.

This new orientation is reflected in many small but significant changes: more attack submarines assigned to the Pacific, more war games and strategic studies centered on Asia, more diplomacy aimed at reconfiguring the U.S. military presence in the area.

It is a trend that carries huge implications for the shape of the armed services. It also carries huge stakes for U.S. foreign policy. Some specialists warn that as the United States thinks about a rising China, it ought to remember the mistakes Britain made in dealing with Germany in the years before World War I.

The new U.S. military interest in Asia also reverses a Cold War trend under which the Pentagon once planned by the year 2000 to have just "a minimal military presence" in Japan, recalls retired Army Gen. Robert W. RisCassi, a former U.S. commander in South Korea.

Two possibilities are driving this new focus. The first is a chance of peace in Korea; the second is the risk of a hostile relationship with China.

Although much of the current discussion in Washington is about a possible military

threat from North Korea, for military planners the real question lies further ahead: What to do after a Korean rapprochement? In this view, South Korea already has won its economic and ideological struggle with North Korea, and all that really remains is to negotiate terms for peace.

According to one Defense Department official, William S. Cohen's first question to policy officials when he became defense secretary in 1997 was: How can we change the assumption that U.S. troops will be withdrawn after peace comes to the Korean peninsula? Next month's first-ever summit between the leaders of North and South Korea puts a sharper edge on this issue.

In the longer run, many American policymakers expect China to emerge sooner or later as a great power with significant influence over the rest of Asia. That, along with a spate of belligerent statements about Taiwan from Chinese officials this spring, has helped focus the attention of top policymakers on China's possible military ambitions. "The Chinese saber-rattling has gotten people's attention, there's no question of that," said Abram Shulsky, a China expert at the Rand Corp.

#### THE BUZZWORD IS CHINA

Between tensions over Taiwan and this week's House vote to normalize trade relations with China, "China is the new Beltway buzzword," observed Dov S. Zakheim, a former Pentagon official who is an adviser on defense policy to Republican presidential candidate George W. Bush.

To be sure, large parts of the U.S. military remain "Eurocentric," especially much of the Army. The shift is being felt most among policymakers and military planners—that is, officials charged with thinking about the future—and least among front-line units. Nor is it a change that the Pentagon is proclaiming from the rooftops. Defense Department officials see little value in being explicit about the shift in U.S. attention, which could worry old allies in Europe and antagonize China.

Even so, military experts point to changes on a variety of fronts. For example, over the last several years, there has been an unannounced shift in the Navy's deployment of attack submarines, which in the post-Cold War world have been used as intelligence assets—to intercept communications, monitor ship movements and clandestinely insert commandos—and also as front-line platforms for launching Tomahawk cruise missiles against Iraq, Serbia and other targets. Just a few years ago, the Navy kept 60 percent of its attack boats in the Atlantic. Now, says a senior Navy submariner, it has shifted to a 5-50 split between the Atlantic and Pacific fleets, and before long the Pacific may get the majority.

But so far the focus on Asia is mostly conceptual, not physical. It is now a common assumption among national security thinkers that the area from Baghdad to Tokyo will be the main location of U.S. military competition for the next several decades. "The focus of great power competition is likely to shift from Europe to Asia," said Andrew Krepinovich, director of the Center for Strategic and Budgetary Assessments, a small but influential Washington think tank. James Bodner, the principal deputy undersecretary of defense for policy, added that, "The center of gravity of the world economy has shifted to Asia, and U.S. interests flow with that."

When Marine Gen. Anthony Zinni, one of the most thoughtful senior officers in the military, met with the Army Science Board

earlier this spring, he commented offhandedly that America's "long-standing Europe-centric focus" probably would shift in coming decades as policymakers "pay more attention to the Pacific Rim, and especially to China." This is partly because of trade and economics, he indicated, and partly because of the changing ethnic makeup of the U.S. population. (California is enormously important in U.S. domestic politics, explains one Asia expert at the Pentagon, and Asian Americans are increasingly influential in that state's elections, which can make or break presidential candidates.)

Just 10 years ago, said Maj. Gen. Robert H. Scales, Jr., commandant of the Army War College, roughly 90 percent of U.S. military thinking about future warfare centered on head-on clashes of armies in Europe. "Today," he said, "it's probably 50-50, or even more" tilted toward warfare using characteristic Asian tactics, such as deception and indirection.

#### WAR GAMING

The U.S. military's favorite way of testing its assumptions and ideas is to run a war game. Increasingly, the major games played by the Pentagon—except for the Army—take place in Asia, on an arc from Teheran to Tokyo. The games are used to ask how the U.S. military might respond to some of the biggest questions it faces: Will Iran go nuclear—or become more aggressive with an array of hard-to-stop cruise missiles? Will Pakistan and India engage in nuclear war—or, perhaps even worse, will Pakistan break up, with its nuclear weapons falling into the hands of Afghan mujaheddin? Will Indonesia fall apart? Will North Korea collapse peacefully? And what may be the biggest question of all: Will the United States and China avoid military confrontation? All in all, estimates one Pentagon official, about two-thirds of the forward-looking games staged by the Pentagon over the last eight years have taken place partly or wholly in Asia.

Last year, the Air Force's biggest annual war game looked at the Mideast and Korea. This summer's game, "Global Engagement 5," to be played over more than a week at Maxwell Air Force Base in Alabama, will posit "a rising large East Asian nation" that is attempting to wrest control of Siberia, with all its oil and other natural resources, from a weak Russia. At one point, the United States winds up basing warplanes in Siberia to defend Russian interests.

Because of the sensitivity of talking about fighting China, "What everybody's trying to do is come up with games that are kind of China, but not China by name," said an Air Force strategist.

"I think that, however reluctantly, we are beginning to face up to the fact that we are likely over the next few years to be engaged in an ongoing military competition with China," noted Princeton political scientist Aaron L. Friedberg. "Indeed, in certain respects, we already are."

#### TWIN EFFORTS

The new attention to Asia also is reflected in two long-running, military-diplomatic efforts.

The first is a drive to renegotiate the U.S. military presence in northeast Asia. This is aimed mainly at ensuring that American forces still will be welcome in South Korea and Japan if the North Korean threat disappears. To that end, the U.S. military will be instructed to act less like post-World War II occupation forces and more like guests or partners.

Pentagon experts on Japan and Korea say they expect that "status of forces agreements" gradually will be diluted, so that

local authorities will gain more jurisdiction over U.S. military personnel in criminal cases. In addition, they predict that U.S. bases in Japan and South Korea will be jointly operated in the future by American and local forces, perhaps even with a local officer in command.

At Kadena Air Force Base on the southern Japanese island of Okinawa, for example, the U.S. military has started a program, called "Base Without Fences," under which the governor has been invited to speak on the post, local residents are taken on bus tours of the base that include a stop at a memorial to Japan's World War II military, and local reporters have been given far more access to U.S. military officials.

"We don't have to stay in our foxhole," said Air Force Brig. Gen. James B. Smith, who devised the more open approach. "To guarantee a lasting presence, there needs to be a private and public acknowledgment of the mutual benefit of our presence."

Behind all this lies a quiet recognition that Japan may no longer unquestioningly follow the U.S. lead in the region. A recent classified national intelligence estimate concluded that Japan has several strategic options available, among them seeking a separate accommodation with China, Pentagon officials disclosed. "Japan isn't Richard Gere in 'An Officer and a Gentleman,'" one official said. "That is, unlike him, it does have somewhere else to go."

In the long term, this official added, a key goal of U.S. politico-military policy is to ensure that when Japan reemerges as a great power, it behaves itself in Asia, unlike the last time around, in the 1930s, when it launched a campaign of vicious military conquest.

#### SOUTHEAST ASIA REDUX

The second major diplomatic move is the negotiation of the U.S. military's reentry in Southeast Asia, 25 years after the end of the Vietnam War and almost 10 years after the United States withdrew from its bases in the Philippines. After settling on a Visiting Forces Agreement last year, the United States and the Philippines recently staged their first joint military exercise in years, "Balikatan 2000."

The revamped U.S. military relationship with the Philippines, argues one general, may be a model for the region. Instead of building "Little America" bases with bowling alleys and Burger Kings that are off-limits to the locals, U.S. forces will conduct frequent joint exercises to train Americans and Filipinos to operate together in everything from disaster relief to full-scale combat. The key, he said, isn't permanent bases but occasional access to facilities and the ability to work with local troops.

Likewise, the United States has broadened its military contacts with Australia, putting 10,000 troops into the Queensland region a year ago for joint exercises. And this year, for the first time, Singapore's military is participating in "Cobra Gold," the annual U.S.-Thai exercise. Singapore also is building a new pier specifically to meet the docking requirements of a nuclear-powered U.S. aircraft carrier. The U.S. military even has dipped a cautious toe back into Vietnam, with Cohen this spring becoming the first defense secretary since Melvin R. Laird to visit that nation.

The implications of this change already are stirring concern in Europe. In the March issue of *Proceedings*, the professional journal of the U.S. Navy, Cmdr. Michele Consentino, an Italian navy officer, fretted about the American focus on the Far East and about

"dangerous gaps" emerging in the U.S. military presence in the Mediterranean.

#### WHERE THE GENERALS ARE

If the U.S. military firmly concludes that its major missions are likely to take place in Asia, it may have to overhaul the way it is organized, equipped and even led. "Most U.S. military assets are in Europe, where there are no foreseeable conflicts threatening vital U.S. interests," said "Asia 2025," a Pentagon study conducted last summer. "The threats are in Asia," it warned.

This study, recently read by Cohen, pointedly noted that U.S. military planning remains "heavily focused on Europe," that there are four times as many generals and admirals assigned to Europe as to Asia, and that about 85 percent of military officers studying foreign languages are still learning European tongues.

"Since I've been here, we've tried to put more emphasis on our position in the Pacific," Cohen said in an interview as he flew home from his most recent trip to Asia. This isn't, he added, "a zero-sum game, to ignore Europe, but recognizing that the [economic] potential in Asia is enormous"—especially, he said, if the United States is willing to help maintain stability in the region.

#### TYRANNY OF DISTANCE

Talk to a U.S. military planner about the Pacific theater, and invariably the phrase "the tyranny of distance" pops up. Hawaii may seem to many Americans to be well out in the Pacific, but it is another 5,000 miles from there to Shanghai. All told, it is about twice as far from San Diego to China as it is from New York to Europe. Cohen noted that the military's new focus on Asia means, "We're going to want more C-17s" (military cargo planes) as well as "more strategic airlift" and "more strategic sealift."

Other experts say that barely scratches the surface of the revamping that Asian operations might require. The Air Force, they say, would need more long-range bombers and refuelers—and probably fewer short-range fighters such as the hot new F-22, designed during the Cold War for dogfights in the relatively narrow confines of Central Europe. "We are still thinking about aircraft design as if it were for the border of Germany," argues James G. Roche, head of Northrop Grumman Corp.'s electronic sensors unit and a participant in last year's Pentagon study of Asia's future. "Asia is a much bigger area than Europe, so planes need longer legs."

Similarly, the Navy would need more ships that could operate at long distances. It might even need different types of warships. For example, the Pentagon study noted, today's ships aren't "stealthy"—built to evade radar—and may become increasingly vulnerable as more nations acquire precision-guided missiles.

Also, the Navy may be called on to execute missions in places where it has not operated for half a century. If the multi-island nation of Indonesia falls apart, the Pentagon study suggested, then the Navy may be called upon to keep open the crucial Strait of Malacca, through which passes much of the oil and gas from the Persian Gulf to Japan and the rest of East Asia.

The big loser among the armed forces likely would be the Army, whose strategic relevancy already is being questioned as it struggles to deploy its forces more quickly. "At its most basic level, the rise of Asia means a rise of emphasis on naval, air and space power at the expense of ground forces," said Eliot Cohen, a professor of strategic studies at Johns Hopkins University.

In a few years, Pentagon insiders predict, the chairman of the Joint Chiefs of Staff will be from the Navy or Air Force, following 12 years in which Army officers—Generals Colin L. Powell, John Shalikashvili and Henry H. Shelton—have been the top officers in the military. Perhaps even more significantly, they foresee the Air Force taking away from the Navy at least temporarily the position of "CINCPAC," the commander in chief of U.S. forces in the Pacific. There already is talk within the Air Force of basing parts of an "Air Expeditionary Force" in Guam, where B-2 stealth bombers have been sent in the past in response to tensions with North Korea.

#### PARALLEL WITH PAST

If the implications for the U.S. military of a new focus on Asia are huge, so too are the risks. Some academics and Pentagon intellectuals see a parallel between the U.S. effort to manage the rise of China as a great power and the British failure to accommodate or divert the ambitions of a newly unified Germany in the late 19th century. That effort ended in World War I, which slaughtered a generation of British youth and marked the beginning of British imperial decline.

If Sino-American antagonism grows, some strategists warn, national missile defense may play the role that Britain's development of the battleship Dreadnought played a century ago—a superweapon that upset the balance by making Germany's arsenal strategically irrelevant. Chinese officials have said they believe the U.S. plan for missile defense is aimed at negating their relatively small force of about 20 intercontinental ballistic missiles.

If the United States actually builds a workable antimissile system, former national security adviser Zbigniew Brzezinski predicts, "the effect of that would be immediately felt by the Chinese nuclear forces and [would] presumably precipitate a buildup." That in turn could provoke India to beef up its own nuclear forces, a move that would threaten Pakistan. A Chinese buildup also could make Japan feel that it needed to build up its own military.

Indian officials already are quietly telling Pentagon officials that the rise of China will make the United States and India natural allies. India also is feeling its oats militarily. The *Hindustan Times* recently reported that the Indian navy plans to reach far eastward this year to hold submarine and aircraft exercises in the South China Sea, a move sure to tweak Beijing.

Some analysts believe that the hidden agenda of the U.S. military is to use the rise of Asia as a way to shore up the Pentagon budget, which now consumes about 3 percent of the gross domestic product, compared to 5.6 percent at the end of the Cold War in 1989. "If the military grabs onto this in order to get more money, that's scary," said retired Air Force Col. Sam Gardiner, who frequently conducts war games for the military.

Indeed, Cohen is already making the point that operating in Asia is expensive. He said it is clear that America will have to maintain "forward" forces in Asia. And that, he argued, will require a bigger defense budget. "There's a price to pay for what we're doing," Cohen concluded. "The question we're going to have to face in the coming years is, are we willing to pay up?"

#### AN EYE ON ASIA

U.S. forces dedicated to the Pacific region: U.S. Army Pacific 60,000 soldiers and civilians (two divisions and one brigade); U.S. Pacific Fleet 130,000 sailors and civilians (170

ships); Pacific Air Forces 40,000 airmen and civilians (380 aircraft in nine wings); Marine Forces Pacific 70,000 Marines and civilians (two expeditionary forces).

#### ON FOREIGN SHORES

Major U.S. deployments in Asia include:  
U.S. Forces Japan: 47,000 personnel ashore and 12,000 afloat at 90 locations.

U.S. Forces Korea: 37,500 personnel at 85 installations.

#### TRAINING GROUNDS

The Pacific Command participates in dozens of joint exercises with allied countries each year, including:

1. Cobra Gold: The U.S.-Thai exercise is expanding to include Singapore.

2. Foal Eagle: Brings together U.S. and South Korean troops on the Korean peninsula.

3. Crocodile: A training exercise with Australia at Shoalwater Bay.

4. Rim of the Pacific: Participants include the U.S., Australia, Japan and South Korea (pictured above).

[From Hong Kong Sing Tao Jih Pao, July 8, 2000]

#### RUSSIAN NAVY REPORTEDLY INSTRUCTED TO STOP US INVOLVEMENT IN TAIWAN STRAIT

(By Reporter Li Nien-ting)

Taiwan's media have reported that after the Sino-Russian summit a few days ago, Russian President Vladimir Putin gave a special instruction to the Russian military that in case the Taiwan situation deteriorates and the US military attempts to become involved in the situation, Russia will dispatch its Pacific Fleet to check the route of the Seventh Fleet of the US Navy, to keep the latter far away from the Taiwan Strait. This will be the embryonic form of Sino-Russian military cooperation in defense.

Jiang Zemin and Putin, the heads of state of China and Russia, had an in-depth exchange of views before the five-nation summit a few days ago. The two countries reached a consensus on jointly opposing the US global missile defense system (TMD) [as published; acronym given in English] and made commitments on Sino-Russian military cooperation in defense.

Relevant analysis held that military cooperation and antagonism seems to have become the hottest topic for discussion in the post-Cold-War period. Following the US attempt to develop the national missile defense system and TMD, China has found the US move to join hands with the weak to deal with the strong a knotty problem. Having failed to obtain any result through severe denunciation the Beijing authorities have decided to work with Russia to contend with the United States. Since Putin was elected Russian president, the cooperation between the two countries has tended to be further strengthened. Their military cooperation has caused the two countries to be on the same front against the United States.

#### A MILITARY COOPERATION PLAN INVOLVING \$20 BILLION

Taiwan media have quoted information from a mainland official source as saying: In order to strengthen Russia's strategic cooperative partnership with China, Russian President Putin gave a special instruction to the high-level officers of the Russian military a few days ago that in case the US military involves itself in the Taiwan Strait situation, Russia will dispatch its Pacific Fleet to cut off the route of the US fleet in order to keep the latter far away from the Taiwan Strait.

Regarding the military alliance between China and Russia, the media of the West have commented that the strategic cooperative partnership between China and Russia has entirely been established on the basis of the fundamental interests of the national security of the two countries. Therefore, on the issues of Chechnya and Taiwan, China and Russia not only should fully support each other's sovereignty, territorial integrity, and unity, but also should join hands in solving the other side's conflicts over sovereignty and territorial integrity.

It has been disclosed that there is a 2000-2004 military cooperation plan between China and Russia that involves as much as \$20 billion. China will purchase from Russia high-tech equipment for the navy and the air force, or cooperate with Russia to develop and produce such equipment. It is believed that the plan is being implemented.

[From Hong Kong Ta Kung Pao, July 6, 2000]

#### [SPECIAL ARTICLE ON COOPERATION AMONG PRC, RUSSIA, KAZAKHSTAN, KYRGYZSTAN, TAJIKISTAN]

(By Mao Chieh)

"That historical issues left over in the past several hundred years have been mostly solved over the past five years represents a great achievement of the 'Shanghai Five' meeting. Taking a step back and assuming crisis in the Taiwan Strait will further escalate, the mainland will be able to concentrate all its efforts to handle the cross-strait issue since its worries about its backyard have been greatly reduced."

The heads of state of China, Russia, Kazakhstan, Hyrgyzstan, and Tajikistan gather today (6 July) in Dushanbe, capital of Tajikistan, to attend the fifth meeting of the "Shanghai Five." Due to the presence of the new Russian President Putin and to the first attendance of Uzbekistan as an observer, the Dushanbe summit meeting has attracted particular attention.

"Of the 20-point Dushanbe Statement signed today by the five countries' heads of state, the main points of the meeting can be summed up in four," remarked Pan Guang, director of Shanghai Research Center on international issues, when interviewed by this paper's reporter.

#### CHINESE PERSECUTION OF UIGHUR MUSLIMS MAY BE INCREASING, COMMISSION SAYS

The U.S. Commission on International Religious Freedom today issued a statement deploring what appears to be increasing persecution of Uighur Muslims in China's Xinjiang region and called for the U.S. government to raise the issue directly with China and in international organizations. Following is the text of the statement:

"In the Commission's May 1 Annual Report to the Administration and Congress, and in testimony before Congress, since that date, we have called attention to the serious deterioration of religious freedom in China during the past year.

"Since last summer, the authorities have launched a nationwide crackdown on the Falun Gong spiritual movement, sentencing leaders to long prison terms and detaining more than 35,000 practitioners, a few of whom have been sent to mental institutions, have been beaten to death, or have died suddenly while in police custody. Catholic and Protestant underground 'house churches' are suffering increased repression, including the arrests of priests and pastors, one of whom was found dead in the street soon afterwards. The repression of Tibetan Bud-

dhists has expanded, with a top religious leader, the Karmapa Lama, recently fleeing to India in January.

"The increase in religious persecution has touched another group, less known in the West—the 8 million Muslim Uighurs, a Turkic people living in western China's Xinjiang Uighur Autonomous Region. In the face of Han Chinese mass migration into traditionally Uighur areas, Islamic institutions have become an important medium through which Uighurs attempt to preserve their history and culture.

"Verifiable information from the region is hard to come by, largely because foreign diplomats, journalists, and human rights monitors are generally barred from traveling there. But in recent years tensions in Xinjiang and reports of sporadic violence against the government have increased. While the government blames 'small numbers' of 'separatists' for the violence, Islamic institutions and prominent individuals in the Muslim community have become the target of repressive, often brutal measures by Chinese authorities unwilling or unable to differentiate between religious exercise or ethnic identity and 'separatist' aspirations. Thousands have been detained, including many religious leaders. Convictions and executions of so-called 'splittists' are common, often reportedly on little evidence and with no regard for due process of law. Indeed, residents of Xinjiang region are the only Chinese citizens who are subject to capital punishment for political crimes.

"Last August, the Chinese authorities stepped up their crackdown with the arrest of a prominent Uighur businesswoman, Rebiya Kadeer. Ms. Kadeer was arrested last Aug. 11 as she was on her way to a private dinner in Urumqi with two staff members from the U.S. Congressional Research Service. She was last convicted in a show trial for 'harming national security' and sentenced to 8 years in prison. The evidence consisted of a number of Chinese newspaper articles she had passed on to her husband in the U.S., who commented on them over Radio Free Asia. Kadeer is reported to be in poor health and in need of medical help as a result of brutal treatment meted out to her in prison.

"In recent days a major Xinjiang newspaper announced the July 6 execution of three accused Uighur separatists by firing squad immediately after their public sentencing on charges of 'splitting the country.' This follows upon similar executions of five Uighurs immediately after sentencing in a June trial, with two others sentenced to life in prison and the others receiving jail terms ranging from 17 to 20 years.

"Several weeks ago, the House voted to grant China Permanent Normal Trade Relations status (PNTR). During the debate, PNTR supporters argued that the fruits of engagement with China would be increased respect for the rule of law and international norms of behavior with regard to human rights. As Beijing's violations of religious freedom continue unabated, if not at a stepped up pace, PNTR supporters have a moral obligation to speak out and let the Chinese government know that these abuses are unacceptable. 'No one expected improvement overnight, but certainly things shouldn't have deteriorated overnight,' said Commission Chairman Elliott Abrams.

"The Commission reiterates its recommendation of May 1 that the U.S. government raise the profile of conditions in Xinjiang by addressing religious-freedom and human rights concerns in bilateral talks, by



increasing the number of education exchange opportunities available to Uighurs, and by increasing radio broadcasts in the Uighur language into Xinjiang. The Commission further recommends that the U.S. move immediately to take up the issue in all appropriate international organizations. The State Department should demand both the humanitarian release of Rebiya Kadeer from prison, an immediate end to summary executions of Uighur "separatists," and free access to Xinjiang for foreign journalist and human rights monitors. Finally, the Commission urges the U.S. Senate to consider the plight of the Uighurs and the state of religious freedom in China as it considers whether to grant Beijing PNTR status."

[From the International Herald Tribune,  
June 15, 2000]

AN EXECUTION FOR A KIDNEY  
CHINA SUPPLIES CONVICTS' ORGANS TO  
MALAYSIANS

(By Thomas Fuller)

MALACCA, MALAYSIA.—The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed.

Mr. Yeo, 40, a Malaysian who manages the local branch of a lottery company here, says he never learned the name of the prisoner whose kidney is now implanted on his right side. He knows only what the surgeon told him: The executed man was 19 years old and sentenced to die for drug trafficking.

"I knew that I would be getting a young kidney," Mr. Yeo says now, one year after his successful transplant. "That was very important for me."

Over the past few years at least a dozen residents of this small Malaysian city have traveled to a provincial hospital in Chongqing, China, where they paid for what they could not get in Malaysia: functioning kidneys to prolong their lives.

They went to China, a place most of them barely knew, with at least \$10,000 in cash. They encountered a medical culture where kidneys were given to those with money and a doctor could stop treatment if a patient didn't pay up. Surgeons advised them to wait until a major holiday, when authorities traditionally execute the most prisoners.

China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoners' organs with poisonous chemicals, as lethal injections do, or directly affect the circulatory system, as would a bullet through the heart.

More than 1,000 Malaysians have had kidney transplants in China, according to an estimate by Dr. S.Y. Tan, one of Malaysia's leading kidney specialists. Many patients go after giving up hope of finding an organ donor in Malaysia, where the average waiting period for a transplant is 16 years.

Interviews with patients who underwent the operation in China reveal how the market for Chinese kidneys has blossomed here—to the point where patients from Malacca negotiated a special price with Chinese doctors.

In 1998, two doctors from the Third Affiliated Hospital, a military-run complex in Chongqing, came to Malacca and spoke at the local chapter of the Lions Club about their procedures. Kidney patients worked out a deal with the doctors: Residents of Malacca would be charged \$10,000 for the proce-

dure instead of the \$12,000 paid by other foreigners.

It goes without saying that the kidney transplants these doctors perform are highly controversial. The Transportation Society, a leading international medical forum based in Montreal, has banned the use of organs from convicted criminals. Human rights groups call the practice barbaric.

But patients here who have undergone the operation in China say they were too desperate at the time to consider the ethical consequences.

Today they are simply happy to be alive. The trip to Chongqing offered them an escape from the dialysis machines, blood transfusions, dizziness and frequent bouts of vomiting. And why, they ask, should healthy organs be put to waste if they can save lives?

"Ethics are only a game for those people who are not sick," says Tan Dau Chin, a paramedic who has spent his career working with dialysis patients in Malacca. "Let me put it this way: What if this happened to you?"

Simon Leong, 35, a Malaccan who underwent a successful operation two years ago in Chongqing, says the principle of buying an organ is "wrong."

"But I was thinking, I have two sons. Who's going to provide for them?"

Corrine Yong, 54, who returned from Chongqing two months ago after a successful operation, was told that if she did not receive a transplant she would probably not live much longer.

"I didn't have a choice," she says of her decision to go to China.

For kidney patients in Malaysia the chances of obtaining a transplant from a local donor are slim. Despite an extremely high death rate on Malaysian roads—in a country of 22 million people, an average of 16 people are killed every day in traffic accidents—the organ donation system is woefully undeveloped.

Kidneys were transplanted from just eight donors last year. Thousands of people are on the official waiting list.

Dr. Tan, the Malaysian kidney specialist, says the small number of donors in Malaysia is partly due to religious and cultural taboos.

Malaysian Muslim families in particular are reluctant to allow organs to be removed before burial, although this is not the case in some other Muslim countries, such as Saudi Arabia, which has a relatively high number of donors.

Organ donation has always been an uncomfortable issue. The terminology is euphemistic and macabre: Doctors speak of "harvesting" organs from patients who are brain-dead, but whose hearts are still beating.

And when the issue of executed prisoners comes into play, transplants become politically explosive.

"It is well known that the death penalty is often meted out in China for things that most people in Western countries would not regard as capital crimes," said Roy Calne, a professor of surgery at both Cambridge University and the National University of Singapore.

Using organs from executed prisoners is not only ethically wrong, he says, but discourages potential donors to step forward in China: "If the perception of the public in China is that there's no shortage of organs you're not likely to get any enthusiasm for a donation program."

It is impossible to know exactly how many Asians travel to China for organ transplants. But data informally collected from doctors

in at least three countries suggest the numbers are in the hundreds every year.

Also impossible to confirm is whether all parties in China receive organs from executed prisoners and not other donors.

But patients interviewed for this article say doctors in China make no secret of where the organ comes from. The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day.

Melvin Teh, 40, a Malacca businessman who received a kidney transplant from a hospital in Guangzhou two years ago, says doctors did not offer the names of the prisoners. "They just tell you it was a convict," he said. "They don't tell you what he did."

Mrs. Yong says doctors told her that the donors were all "young men" who had committed "serious, violent" crimes.

Chinese officials have admitted that organs are occasionally taken from convicts, but deny that the practice is widespread.

"It is rare in China to use the bodies of executed convicts or organs from an executed convict," an official from the Health Ministry was quoted as saying in the China Daily in 1998. "If it is done, it is put under stringent state control and must go through standard procedures."

That view does not jibe with the stories that patients from Malacca tell, where kidneys are essentially handed out to the highest bidders, often foreigners.

Mr. Leong, the Chongqing patient, and his wife, Karen Soh, who accompanied him to China, say money was paramount for the surgeons involved in the operation. They recounted how another Malaysian kidney transplant patient who suffered complications while in Chongqing had run out of cash.

"They stopped the medication for one day," Mrs. Soh said, referring to the anti-rejection drugs. The patient was already very sick and eventually died of infection upon her return to Malaysia, according to Mrs. Soh.

Patients say they are advised by friends who have already undergone a transplant to bring the surgeons gifts. Mrs. Young brought a pewter teapot and picture frame. Ms. Soh and her husband brought a bottle of Martell cognac, a carton of 555 brand cigarettes and a bottle of perfume for the chief surgeon's wife.

"They call it 'starting off on the right foot,'" Mrs. Soh said.

After the operation was complete, the couple gave two of the doctors "red packets" filled with cash: 3,000 yuan (\$360) for the chief surgeon, and 2,000 yuan for his assistant. Other patients also "tipped," although the amounts varied.

It might be tempting to see the market for Chinese organs as part of the more general links that overseas Chinese have with the mainland.

Many of the patients are indeed ethnically Chinese and come from countries—Malaysia, Taiwan, Thailand—with either links to the mainland or large ethnic Chinese populations.

Yet if the experience of Malaysian patients in any indication, the trip to China provides a severe culture shock. Patients recalled unsanitary conditions, and for those who did not speak Mandarin the experience was harrowing.

Mr. Leong, who speaks little Mandarin, was helped by his wife who wrote out a list of phrases for her husband to memorize. The list included: "I'm feeling pain!" "I'm thirsty." "Can you turn me over?" Mr. Leong would simply say the number that

corresponded to his complaint and the nurse would check the list.

But more difficult than communicating is paying for the transplant. For the Leongs it involved pooling savings from family members and appealing for funds through Chinese-language newspapers. The cost of an operation amounts to several years' salary for many Malaysians.

Yet despite financial problems and cultural shock, all four patients interviewed for this article said they had no regrets.

Mr. Yeo enjoys a life of relative normalcy, maintaining a regular work schedule and jogging almost every day.

He says he was so weak before his transplant that he had trouble crossing the street and climbing stairs. Four-hour sessions three times a week on dialysis machines were "living hell."

Does it disturb him that an executed man's kidney is in his abdomen?

"I pray for the guy and say, 'Hopefully your afterlife is better,'" Mr. Yeo said.

And has he ever wondered whether the prisoner might have been innocent?

Mr. Yeo pauses and stares straight ahead. "I haven't gone through that part—the moral part," he said.

"I don't know. I can't question it too much. I have to live."

[From *The New Republic*, July 24, 2000]

SIERRA LEONE, THE LAST CLINTON  
BETRAYAL—WHERE ANGELS FEAR TO TREAD  
(By Ryan Lizza)

Even for the Clinton administration, it was an extraordinary lie. "The United States did not pressure anybody to sign this agreement," State Department spokesman Philip Reeker proclaimed at a press briefing in early June. "We neither brokered the Lomé peace agreement nor leaned on [Sierra Leonean] President Kabbah to open talks with the insurgents. . . . It was not an agreement of ours." Observers were stunned. The dishonesty, said one Capitol Hill Africa specialist, was "positively Orwellian."

Orwellian because the peace agreement signed in Lomé, Togo—an agreement that forced the democratic president of Sierra Leone to hand over much of his government and most of his country's wealth to one of the greatest monsters of the late twentieth century—was conceived and implemented by the United States. It was Jesse Jackson, Bill Clinton's special envoy to Africa, who in late 1998 pressed President Ahmad Tejan Kabbah to "reach out" to Foday Sankoh—a man who built his Revolutionary United Front (RUF) by systematically kidnapping children and forcing them to murder their parents. In May 1999, the United States, led by Jackson, brokered and signed a cease-fire agreement between the government and the RUF. In June, U.S. officials drafted entire sections of the accord that gave Sankoh Sierra Leone's vice presidency and control over its diamond mines, the country's major source of wealth. U.S. Ambassador to Sierra Leone Joseph Melrose even shuttled back and forth between Lomé and Sierra Leone's capital, Freetown, to cajole the reluctant Kabbah. In March 2000, after the accord was signed, American officials hosted repeated meetings at the U.S. embassy to carry it out.

Barely any of this made the American press. And then this May, when the RUF took hostage 500 of the U.N. peace-keepers meant to supervise Lomé's implementation—simultaneously detonating the agreement and catapulting it onto the front page—the United States washed its hands of the whole thing. Said Reeker on June 5, "We were not part of that agreement."

The Clinton administration's Africa policy will probably go down as the strangest of the postcolonial age; it may also go down as the most grotesque. In dealing with Africa, previous U.S. administrations were largely unsentimental. Africa was too poor to affect the U.S. economy, too alien to command a powerful domestic lobby, too weak to threaten American security. As a result, past presidents spoke about Africa modestly and not very often.

Not Bill Clinton. He has proclaimed frequently and passionately that Africa matters. He has insisted that black suffering has as great a claim on the American conscience as white suffering. He has vowed that the United States will no longer be indifferent. These words have borne no relation whatsoever to the reality of his administration's policy. Indeed, confronted with several stark moral challenges, the Clinton administration has abandoned Africa every time: it fled from Somalia, it watched American stepchild Liberia descend into chaos, it blocked intervention in Rwanda. But Clinton's soaring rhetoric has posed a problem that his predecessors did not face—the problem of rank hypocrisy. And so, time and again, the imperative guiding his administration's Africa policy has been the imperative to appear to care. Unwilling to commit American blood and treasure to save African lives, and unwilling to admit that they refuse to do so, the Clintonites have developed a policy of coercive dishonesty. In Rwanda, afraid that evidence of the unfolding genocide would expose their inaction, they systematically suppressed it. And in Sierra Leone, unwilling to take on a rebel group that was maiming and slaughtering civilians by the thousands, the Clintonites insisted that all the rebels truly wanted was peace and a seat at the negotiating table.

Abandoning Africans is nothing new. But the Clinton administration has gone further. It has tried to deny them the reality of their own experience, to bludgeon them into pretending that the horrors around them do not truly exist—so that they won't embarrass the American officials who proclaim so eloquently that their fates are inextricably linked to our own.

Sierra Leone, a former British colony whose capital was founded in the late eighteenth century by freed slaves, was a pretty nasty place even before the birth of the Revolutionary United Front. After an initial bout with democracy upon gaining independence in 1961, it slid into dictatorship and kleptocracy and stayed there through the 1970s and '80s—consistently near the bottom in world rankings of infant mortality, per capita income, and life expectancy.

So the outside world barely noticed when, in 1991, a group of about 100 guerrillas launched a campaign to take over the country. But the RUF—backed by Charles Taylor, a warlord in neighboring Liberia—quickly established itself as a rather unusual rebel group. For one thing, it had no discernible political philosophy or agenda. For another, it was almost unimaginably brutal. Typically, RUF troops would enter a village and round up its children. Girls as young as ten would be raped. Boys would be forced to execute village elders and sometimes even their own parents, thus cutting themselves off from their past lives and beginning their absorption into their new rebel "family." Once children were conscripted, their loyalty was maintained through drugs—they were injected with speed, which numbed their sensitivity to violence and rendered them dependent on their adult suppliers—and violence.

When conscripts tried to escape, RUF leaders amputated their limbs. Refugees even accused the RUF of cannibalism.

For several years after its initial invasion, the group terrorized the Sierra Leonean countryside, periodically closing in on Freetown and being pushed back by a succession of military dictators. And then in 1996, something remarkable happened—a burgeoning civil-society movement, backed by the United States and led largely by women's groups, rose up against Sierra Leone's military overlords and cleared the way for the country's first presidential elections since 1967. The RUF did its best to keep people from the polls—chopping off the hands of would-be voters—but almost two-thirds of the electorate cast ballots nonetheless, electing as president Ahmad Tejan Kabbah, a longtime U.N. official. After the election, hundreds of Sierra Leoneans danced outside the U.S. embassy in Freetown in gratitude for America's support.

The euphoria did not last long. In May 1997, 14 months after Kabbah's election, disgruntled government soldiers—known as "sobels" because of their collaboration with the rebels—staged a coup, forcing Kabbah into exile in Guinea. The coup leaders invited the RUF into their junta, suspended Sierra Leone's constitution, emptied Freetown's prison of its worst criminals, and literally held the city's residents hostage, placing artillery in the hills around the capital and threatening to bombard the civilians below if removed from power.

No one expected the United States to send troops to restore democracy; this was, after all, Africa. But it didn't need to. Nigeria, a country that long fancied itself the region's hegemon, already had its own intervention force in Sierra Leone under the auspices of an organization called ECOMOG, the Economic Community of West African States Monitoring Group.

While Nigeria, a country in perpetual economic crisis, spent some \$1 million per day battling the criminal regime in Freetown, several mid-level State Department Africa hands began lobbying their superiors to request funds from Congress to bolster ECOMOG's work. But the administration refused, saying such a request was pointless because Congress would say no. And, while the Clintonites were right that the Republican Congress wasn't usually enamored of foreign aid, the struggle for Sierra Leone might have offered the administration an opportunity to put its vaunted commitment to Africa into action. Indeed, several sympathetic members of Congress—Republicans and Democrats—even urged the State Department to challenge Congress to rise to the occasion. But the challenge never came. "It was totally bizarre," says one person with knowledge of the internal squabbling. "A decision was made that the State Department was just not going to ask for it."

In fact, not only did the Bureau of African Affairs not request additional money from Congress, it didn't even spend the money Congress had already given it. For months, \$3.9 million sat unspent in the bureau's budget for voluntary peacekeeping operations. In February 1998, ECOMOG liberated Freetown and restored Kabbah to power—proving that the RUF's child soldiers were no match for a bona fide adult military. As the rebels streamed back into the countryside, The Nigerians saw an opportunity to finish them off for good. But ECOMOG lacked the resources to take the war into the Sierra Leonean hinterland, and still no money came from the Clinton administration. "The only

way they [ECOMOG soldiers] could eat is because the people of Sierra Leone gave them food and places to sleep," says one U.S. official. By spring, the window of opportunity had closed. The RUF, freshly resupplied by Liberia, was back on the offensive with a campaign of systematic killing, mutilating, and raping called Operation No Living Thing. In late May, long after it could have made a real difference, the administration finally allocated the \$3.9 million to ECOMOG.

Nigeria, visibly tiring of its proxy war, began to look for a way out, and the United States faced an even starker version of the same dilemma it had confronted all along. It could make a major financial and political commitment, in conjunction with the Nigerians or others, to save a fledgling democratic government too weak to save itself. Or it could abandon that government, leaving Sierra Leone to Sankoh and his child butchers—because, after all, Sierra Leone did not remotely affect America's vital national interest. The Clintonites, typically, did neither. Against all the evidence that Sierra Leone could be saved from the RUF only through war, the Clinton administration set out to make peace. In early spring 1998, a group of U.S. policymakers gathered on the sixth floor of the State Department to plot strategy. One senior official summarized their goal: "We need to appear to be doing something."

To make peace with Foday Sankoh and the RUF, the Clintonites had to go through Sankoh's political godfather, Liberian dictator Charles Taylor. Taylor and Sankoh attended the same school—a Libyan secret-service camp known as al-Mathab al-Thauriya al-Alamiya (World Revolutionary Headquarters), a sort of university for revolutionary guerrillas from all over Africa. When they met, Taylor had recently returned from the United States, where he had escaped from a prison in Plymouth, Massachusetts, while awaiting extradition back to Liberia on charges of embezzlement. Sankoh, imprisoned in the '70s for his role in plotting a coup, had been working as an itinerant photographer in the Sierra Leonean countryside. Each man dreamed of overthrowing his native government, and they pledged to help each other do so.

Taylor got his chance first, on Christmas Eve 1989, when he launched a civil war that would become a model for Sankoh's a year and a half later. One of Taylor's first military innovations was his creation of the Small Boys Unit, a battalion of intensely loyal child soldiers who were fed crack cocaine and referred to Taylor as "our father." Soon, refugees from the Liberian countryside began recounting stories of horrific cruelty. Taylor's soldiers were seeking out pregnant women and placing bets on the sex of their unborn children. Then they would rip open the woman's wombs and tear out the babies to see who was right. Evidence of cannibalism also began to trickle out. One soldier told Reuters, "We rip the hearts from their living bodies and put them on the fire, then eat them." A Liberian human rights organization claimed cannibalism in Taylor-controlled territory was so widespread that "there is fear of persecution based on one's fitness for consumption." Taylor's own defense minister accused him of taking part in the practice himself.

By 1991, Liberia looked a lot like Sierra Leone would look seven years later. Troops from ECOMOG defended a weak government in the capital, Monrovia, while Taylor controlled the other 90 percent of the country. Taylor developed a vast warlord economy,

selling off Liberia's minerals and raw materials, trafficking in hashish, and reportedly reaping an annual income of about \$250 million. But he wanted to expand his lucrative empire even further—to include the diamond mines just across the border in Sierra Leone. What's more, he wanted revenge against Sierra Leone, which had served as a base for the ECOMOG troops that were preventing his total victory in Liberia.

So he kept his deal with Sankoh. In March 1991, a number of Taylor's fiercest fighters accompanied Sankoh and the fledgling RUF into Sierra Leone, where they headed straight for the diamond mines. Taylor appointed Sankoh "governor of Sierra Leone," and his soldiers jokingly referred to Sierra Leone as their Kuwait. Sankoh frequently visited Taylor at his headquarters in the Liberian town of Gbarnga.

And then in 1996, with Liberia in ashes and 13 failed peace agreements—"[Taylor] reneged on all of them," says a former senior State Department official—Taylor offered his Sierra Leonean protégé the ultimate lesson in the politics of terror: he took power. Taylor agreed to stand for election. He had the largest army and the most money, and he made it clear that if he did not win, he would resume the killing. A country exhausted by war elected him president. During the run-up to the vote, Taylor's child soldiers took to the streets, chanting what became his unofficial campaign slogan: "He killed my pa. He killed my ma. I'll vote for him."

To bring "peace" to Sierra Leone, the Clinton administration first had to show that Sankoh and Taylor were men with whom one could legitimately do business. "Their whole policy was to 'mainstream' them—that was the word used by someone at State," explains an aide to the House International Relations Committee. "If you treat Sankoh like a statesman, he'll be one." . . . [A State Department official] used the term to explain what they had done with Taylor and what they were trying to do with Foday Sankoh." In Jesse Jackson, appointed, "Special Envoy for the President and Secretary of State for the Promotion of Democracy in Africa" in October 1997, Washington had the ideal man for the job.

Jackson first met the Liberian dictator on an official trip to West Africa in February 1998. Taylor, worried that Jackson, like prior American diplomats, would hector him about human rights, invited an old Liberian friend of Jackson's named Romeo Horton to brief him on America's new envoy. Horton says Jackson and Taylor's meeting went extremely well. "Instead of meeting an adversary," says Horton, Taylor "met a friend." The following month, when Clinton toured Africa, Jackson arranged a 30-minute phone call between the two leaders from Air Force One. Upon returning home, Jackson organized a conference on "reconciliation" for Liberians at his PUSH headquarters in Chicago. According to Harry Greaves Jr., co-founder of a Liberian opposition party, who attended the Chicago conference, "The message was, '[Taylor's] been elected, and let's give him a chance.' It's all about p.r., and Jackson is part of that campaign." As Leslie Cole, an old friend of Taylor's, wrote to the new president soon after Jackson's conference, "Getting Jesse on the bandwagon was a good and smart idea."

So it's not surprising that by the time Jackson began the diplomatic push that would lead to Lomé, he and Taylor were giving the same advice to the democratic government of Sierra Leone: Cut a deal with the

RUF. In November 1998, Jackson traveled to West Africa again, meeting with Taylor and Kabbah in Guinea and then, in Freetown, with Kabbah alone. During his five-hour stop in Sierra Leone, Jackson, who arrived just days after fresh reports that the RUF was beheading children and disemboweling pregnant women, urged Kabbah to make concessions to the rebels. "The government must reach out to these RUF in the bush battlefield," Jackson told Sierra Leonean leaders. Much of Freetown believed otherwise. "Think again, Jackson, the RUF is not a civilized body to be trusted," implored one prominent newspaper. A local journalist asked Jackson why he was telling Sierra Leoneans to negotiate with the RUF when the public was against it. "I remember very clearly what he said," says Zainab Bangura, a prominent member of Freetown's democracy movement. "That is what leadership is about: to mold public opinion, not to follow public opinion." Sierra Leone's current ambassador to the United States, John Leigh, remembers Jackson's trip well. "When he went to Sierra Leone in 1998," Leigh says, "what he was doing was pushing Charles Taylor's position."

Seven weeks after Jackson departed, as Bangura put it recently, "All hell broke loose." The "hell" was the January 1999 RUF assault on Freetown, which, hard as it is to believe, set a new standard for rebel atrocities. Capitalizing on ECOMOG's weariness, the RUF marched into the capital surrounded by a human shield of civilians that prevented the Nigerians from launching an effective counterattack. Divided into squads with names like "Burn House Unit," "Cut Hands Commandos," and "Kill Man No Blood Unit" (the last group specialized in beating people to death without spilling blood), the RUF burned down houses with their occupants still inside, hacked off limbs, gouged out eyes with knives, raped children, and gunned down scores of people in the streets. In three weeks, the RUF killed some 6,000 people, mostly civilians. When the rebels were finally forced from the city by an ECOMOG counterattack, they burned down while blocks as they left and abducted thousands of children, boys and girls who would become either soldiers or sex slaves.

Incredibly, the Clintonites didn't abandon their efforts to "mainstream" the RUF in the weeks following the attack; they intensified them. In February, just weeks after the assault, the State Department hosted the RUF's "legal representative," Omrie Golley, for talks in Washington. While Golley was at the State Department, Deputy Assistant Secretary of State for African Affairs Howard Jeter organized a phone call between him and Kabbah, establishing the first formal contact between the government and the rebels. Golley remembers the experience fondly. In contrast to the British, who he says treated his group with disdain, Golley gushes that he "was always very impressed with the American approach to the whole conflict."

Golley also met with New Jersey Representative Donald Payne, probably the most important member of Congress on Africa policy. Within the Congressional Black Caucus, it is common knowledge that members take their cues on Africa from Payne. And, given the overriding importance of domestic politics—particularly domestic racial politics—on the Clinton administration's Africa policy, Payne wields substantial influence.

Among Capitol Hill Africa specialists, Payne's sympathy for Taylor and Sankoh is the stuff of legend. In February 1999, for instance, after his meeting with Golley, Payne

wrote to Kabbah imploring him to pursue negotiations with Sankoh, who had been temporarily captured by the government and was actually awaiting execution for treason, even while the RUF continued the war. "[S]uccessful negotiations must be without precondition and include the permanent release of Mr. Foday Sankoh," Payne wrote. "That letter is exactly what Charles Taylor was saying at the same time in Liberia. He was saying Sankoh should be freed," says Ambassador Leigh. "That letter that Payne wrote to President Kabbah is exactly the type of agreement that the State Department pressed Kabbah to accept." And, indeed, Sankoh was released as part of the run-up to Lomé.

On the House Africa Subcommittee, where Payne is the ranking Democrat, both Republican and Democratic staff members say he has bashed ecomog and questioned whether Taylor was really aiding the RUF. In May of last year, Payne fought to remove from a resolution language accusing Liberia and other countries of supporting the rebels, even after the State Department formally acknowledged that Taylor "continues to actively support the rebels in Sierra Leone, including the provision of arms and ammunition." Says one Democratic aide, "Whenever there is talk of sanctioning Taylor or of threatening Liberia . . . Mr. Payne is always the first one to jump to their defense." Former Liberian Ambassador to the United States Rachel Diggs says Taylor "had free access to Don Payne and Jesse Jackson . . . whenever there was a problem, these were the people whose ear Taylor had in the U.S. and who had his ear in Liberia."

Indeed, Payne's relationship with Taylor goes back to the early '80s, when Taylor was in jail in Massachusetts and Payne, then a member of the Newark municipal council, spoke out against his extradition to Liberia. Payne says he was simply helping Taylor at the behest of a friend and didn't actually meet the Liberian until 1997, when he attended Taylor's presidential inauguration in Monrovia. But since then the two men have clearly become friends. One visitor to Payne's office tells of watching the congressman hang up the phone with Taylor and remark that the Liberian president had just told him he was tired of dealing with Jeter, the U.S. envoy for Liberia. (Taylor is known to dislike Jeter, once referring to him as a "burnt-out" diplomat.) Taylor suggested that Payne become the U.S. envoy instead. "What surprised me was that Payne didn't say anything," says the visitor. "He seemed flattered." Payne says he does not remember any such conversation. At one point, according to an associate of Payne's, the New Jersey congressman jokingly complained that he was getting so many calls from Taylor that he was tired of talking to him. Payne insists he has talked on the phone to Taylor no more than half a dozen times.

Within three months of Golley's February 1999 visit to the State Department and the congressional offices of Donald Payne, the phone call initiated by Howard Jeter had led to a government/RUF cease-fire. With striking unanimity, Sierra Leonean intellectuals believe that Kabbah, a rather weak president, agreed to the cease-fire under pressure from Jackson and against the advice of some of his ministers and prominent members of civil society. Days before the ceasefire, Jackson and Kabbah met up in Ghana, where both were attending a conference. From Ghana, Jackson abruptly flew Kabbah to the talks in Lomé, Togo, where the cease-fire agreement was signed. One Freetown news-

paper even reported that Kabbah was "kidnapped" by Jackson. "The story was," explains Zainab Bangura, "that he was kidnapped, because [Kabbah] went [to the conference in Ghana] with his finance minister and information minister"—at the time both men were thought to be against signing the agreement—"and they all went to the airport to go to fly to Lomé, and Jesse Jackson said there were no seats for them. So they didn't go."

The cease-fire paved the way for the Lomé peace talks themselves. And, once again, the United States took the lead. U.S. Ambassador to Sierra Leone Joseph Melrose was a constant presence at the negotiating table. "They oversaw the whole peace talks," says Abu Brima, who attended as the leader of a delegation representing Sierra Leonean civil society. "Melrose was very, very active and literally kind of led it, I would say." Bangura adds: "Every time the talks were about to fall apart, Melrose would fly over to Freetown to pressure the president." According to Leigh, Melrose's "job was to soften the Sierra Leonean delegation to accept the agreement." The Clinton administration even sent a technical team, led by a USAID official named Sylvia Fletcher, that actually drafted parts of the accord.

The final agreement at Lomé, signed on July 7, 1999, awarded the RUF four ministerial posts, made Sankoh vice president, placed him in charge of a new commission to oversee Sierra Leone's diamonds, and granted the RUF blanket amnesty for all crimes. After the agreement was signed, Fletcher and Melrose held meetings establishing the diamond commission—which included Sankoh, members of Kabbah's government, and representatives from De Beers and other diamond companies—at the U.S. embassy. As one U.S. government official put it, "The message we sent with Lomé is that you can terrorize your way to power."

For close to a year, the Lomé agreement did what the Clinton administration hoped it would do. With articles on pages A17 and A6, respectively, The Washington Post and The New York Times announced the accord and ushered Sierra Leone off their pages—another peace process successfully brokered by an administration committed to the well-being of Africa. As Assistant Secretary of State for African Affairs Susan Rice bragged last September, "the U.S. role in Sierra Leone . . . has been instrumental. With hands-on efforts by the president's special envoy Jesse Jackson, Ambassador Joe Melrose, and many others, the United States brokered the cease-fire and helped steer Sierra Leone's rebels, the Kabbah government, and regional leaders to the negotiating table."

It probably wouldn't even have mattered that Sankoh refused to disarm—of the estimated 10,000 children fighting for the RUF, only about 1,700 were turned over to demobilization camps, as required—or that he continued the illicit diamond-trading that Lomé was meant to stop. If Lomé had simply unraveled quietly—even if Sankoh had followed his mentor in Liberia and grabbed complete power himself—it is unlikely that Sierra Leone would have made the American front pages. The Clinton administration would still have accomplished much of what it set out to do at that meeting on the sixth floor of the State Department in spring 1998.

But this May, in an ironic twist of fate, Sierra Leone leapt from the shadows into the world spotlight. Lomé had achieved one of the RUF's central goals—the exit of the stubborn Nigerians. The U.N. peacekeepers

who took their place—sent from countries like India, Jordan, Kenya, and Ghana—were ill-equipped and bound by the timid U.N. rules of engagement. And, as soon as they ventured into the RUF's diamond heartland, the rebels stole their weapons and vehicles and held them hostage for several weeks. The humiliating standoff brought Lomé crashing down in full public view. And U.N. Secretary-General Kofi Annan's desperate appeals for Western countries to send troops to reinforce his peacekeepers called global attention to the very point the Clinton administration had worked so hard to conceal: Its unwillingness to sacrifice anything real on behalf of the people of Sierra Leone. Instead of soldiers, the United States once again sent Jesse Jackson. But, by this time, Jackson was so bitterly despised in Freetown that the Sierra Leonean government told him it could not guarantee his safety. One group of prominent Sierra Leonean democracy activists warned Jackson, "Our people will greet your presence in the country with contempt, and we'll encourage them to mount massive demonstrations in protest." During a conference call with Freetown leaders in which he tried to explain himself, Jackson was openly attacked as a RUF "collaborator." His trip to Sierra Leone was canceled.

Today, a year after Lomé, the U.N. hostages have finally been freed. Foday Sankoh has even been captured and will likely be tried as a war criminal. President Kabbah's government is defended by a shaky coalition of citizen militias, government soldiers, former RUF collaborators, U.N. troops, and, most importantly, military advisers from Great Britain—the only Western power to heed Annan's call. Sankoh's apparent replacement has been given sanctuary in Liberia by Taylor, who continues to arm the RUF. The rebels still control much of the Sierra Leonean countryside, and there are widespread rumors of an imminent RUF attack on Freetown. If the British leave, an attack is all but certain.

At the National Summit on Africa in February, President Clinton said, "We can no longer choose not to know. We can only choose not to act, or to act. In this world, we can be indifferent, or we can make a difference. America must choose, when it comes to Africa, to make a difference." Sophisticated people understand what this kind of talk, coming from this administration, means. And the people of Sierra Leone, who now count prostheses as one of their country's chief imports, have become sophisticated. In fact, in recent months Sierra Leonean exiles in Washington have increasingly allied themselves with Republicans like New Hampshire Senator Judd Gregg. It's a remarkable turn of events, given that Gregg and his ilk are isolationists—men who say forthrightly that America has no important interests in Africa, can't successfully export its method of government there, and shouldn't waste blood or money trying. After eight years of the Clinton administration, it seems, the people of Sierra Leone no longer expect very much from the United States. They're willing to settle for truth.

The SPEAKER pro tempore. The gentleman from Florida (Mr. STEARNS) has 2 minutes remaining and the gentleman from Illinois (Mr. CRANE) has the right to close.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me say to my colleagues before the vote here, this is a motion to disapprove of the President's waiver of

the Jackson-Vanik amendment to the U.S. Trade Relations Act. Right now, all of us can trade with China. There is no problem there. You or I could go out to trade with them. All corporations can trade with them. But under this motion, we are saying yes to disapprove of the President's waiver. What he wants to do is continue this waiver of the Jackson-Vanik amendment so that basically when businesses go into China, they are subsidized by U.S. taxpayers, agricultural subsidies, Ex-Import Bank subsidies and a myriad of these subsidies that helps businesses when they go in. But when the taxpayer goes into business for himself, does he get support and subsidies from the government? No.

So all we are saying today, vote yes on this motion to prohibit this waiver by the President of the Jackson-Vanik amendment and let these businesses continue to go in and continue to do business but not at the taxpayers' expense. I think we have heard plenty of arguments to show during this vigorous debate that there are human rights issues, that there are espionage issues, that there is the hiring of these Chinese technicians in this country to work on related military dual use technologies issues. Our relationship is moving along and in some ways it is bad and in some ways it is good, but I do not think the American taxpayers should be forced to subsidize businesses that go in. I ask for a "yes" on the motion to disapprove of the President's waiver of the Jackson-Vanik amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. CRANE) is recognized for up to 10 minutes.

Mr. CRANE. Mr. Speaker, we have heard expressions here on the floor today as we have heard in the past during our debates on this issue of persecution of Christians, Muslims and other groups in China which is a legitimate and serious concern. However, the U.S. can be most effective in advancing religious freedom by expanding our engagement with the Chinese people and by continuing to press Beijing to respect the rights of Chinese believers.

World religious leaders, including the Reverend Billy Graham, the Reverend Pat Robertson, the Dalai Lama, the American Friends Committee, Father Robert Drinan, the National Council of Churches, Rabbi Arthur Schneier and Reverend Don Argue with the National Association of Evangelicals see continued U.S. engagement with China as key to promoting religious freedom. Two years ago, the Chinese Service Coordinating Committee, an umbrella group for U.S. religious agencies working in China, said "a public Christian stance

against MFN status for China is not in the interest of the church in China, and will seriously hamper the efforts of Christians from outside China who have spent years seeking to establish an effective Christian witness among the Chinese people."

Religious activity of all types is flourishing as ordinary Chinese reach out for new forms of belief. Unofficially, it is estimated that there are now 30 to 60 million Chinese Protestants, 6 million Catholics, 17 million Muslims, and 100 million Buddhists.

The present situation stands in stark contrast to the post-Communist revolution China of the 1950s when religious activity was harshly suppressed. The situation worsened even further during the Cultural Revolution when many churches were closed and church properties were seized.

Engagement with China has made it possible to disseminate Bibles and religious literature to Chinese citizens. World Pulse, a publication of the Billy Graham Center, has 250,000 readers in China. East Gates International, a Christian organization, publishes and distributes religious materials in China and reports that "expanding U.S. economic ties with China and especially China's admittance to the World Trade Organization will continue to benefit religious organizations working in China."

□ 1500

While some, indeed, believe the annual Normal Trade Relation votes can be used as leverage, U.S. religious groups who are actively engaged in evangelical work in China believe such threats are highly counterproductive.

Threatening U.S. economic sanctions in the name of religion creates an impression that religion is being used as a tool of U.S. foreign policy and undermines their work in China. Recently pastors of key house churches in China, many of whom have served time in prison for their beliefs, urged Congress to approve Permanent Normal Trade Relations.

We in the House have already taken that action as everyone knows, and it is the absence of completion of that work still that causes us to go through this annual renewal procedure, but the annual renewal procedure is consistent with what we did recently when the House overwhelmingly supported granting mainland China Permanent Normal Trade Relations, and we should.

In this instance, on today's resolution, all vote no to reject it overwhelmingly and be insistent with what we have done thus far.

Mr. STARK. Mr. Speaker, I rise today in support of the resolution to disapprove annual normal trade relations (NTR) with China. Unfortunately, we should have debated the one year extension in May, instead of the harmful bill that will give permanent normal trade rela-

tions (PNTR) trade status to China's barbaric regime, and will ensure that multinational corporations have the investment protection they need to exploit China's cheap labor. China doesn't deserve annual normal trade relations status and it definitely doesn't deserve the permanent normal trade relations status the House approved in May. Regardless of how the House voted on PNTR, I will take this opportunity to tell my colleagues and the American people why the People's Republic of China (PRC) does not deserve normal trade privileges with the United States—for the next year or permanently.

Just one month after the House voted to give China PNTR, the New York Times reported that China continues to aid Pakistan in its efforts to build long-range missiles that could carry nuclear weapons. China plays by its own rules and doesn't adhere to the rules of the international community. The United States wouldn't need to monitor the regional tension between India and Pakistan if China worked toward a mutual goal of nonproliferation. Instead, China provokes Pakistan with transfers of nuclear technology and exacerbates tensions between the two countries.

Senator THOMPSON is trying to force a vote on his bill to monitor China's nuclear proliferation activities with greater scrutiny and applies sanctions if China is found proliferating weapons of mass destruction. Unfortunately, Senator THOMPSON is finding resistance from his own party that does not link PNTR with a non-proliferation bill.

We saw what happened when the Administration decided to de-link trade and human rights for China. Human rights abuses in China worsened yet China has been allowed to export their cheap sneakers to the United States.

Tens of thousands of Falun Gong practitioners have been detained, tortured and now are being committed to Chinese mental institutions for the mere expression of their faith. The Chinese government claims that Falun Gong is a religious cult not approved by the state. The state does not approve peaceful meditation, but it does approve torture and forced abortions. The Chinese government does not approve Roman Catholicism, but the sale of executed prisoner's kidneys is perfectly acceptable to the PRC. The United States cannot allow this barbaric government to harm its own people without facing some sort of punishment. Withholding annual normal trade relations should be that punishment.

China is the biggest producer of ozone layer-destroying chlorofluorocarbons (CFCs) and will soon surpass the United States as the leading emitter of greenhouse gases. The United States suffers from China's earth-destroying practices. The United States spends \$3 billion annually on cataract operations and billions more on treating skin cancer cases due to the destruction of the earth's protective ozone layer. China's irreverence for environmental standards is reflective of its irreverence for human life. This is unacceptable in the 21st Century. China must be held accountable for its actions—human rights violations, labor rights violations, trade violations, weapons proliferation and environmental violations must be scrutinized and the annual NTR debate is the forum for scrutiny.

Withholding annual NTR will send a clear signal to Beijing that the United States does not condone its inhumane actions. Opposing the annual NTR extensions will tell China that the United States is willing to hold the PRC accountable. China must pay a price for its actions, and that price should be United States trade. I urge my colleagues to support disapproval of extending NTR status to China yet again.

Mr. PORTER. Mr. Speaker, again I come to the floor to debate the issue of trade with China. In no way should the United States' continued engagement with China be seen as a reward for its horrendous human rights violations. As co-chairman of the Congressional Human Rights Caucus, I am all too familiar with the human rights violations which the government of China practices everyday against so many of its own citizens. From the Falun Gong to the Catholic Bishops, to the Tibetan Buddhist and the Uighur Muslims, this past year has seen China's continued persecution of its minorities.

I strongly believe that for change to come about and for democracy to take hold in China, the citizens of China must be exposed to democratic ideals and other Western values. Today, these very ideals are taking root throughout China. They are taking place because of our current policy of engagement, one on one, business to business, client to customer. Information is also being spread by important U.S. programs, such as Radio Free Asia and the Voice of America. Slowly, attitudes and actions are changing. The Chinese people want freedoms: freedom of religion, freedom of speech, freedom of assembly. We know these ideals are slowly taking hold. This is evident though radio Free Asia's call-in listen program which is overburdened every day with thousands of citizens risking their lives to express their views, which is currently prohibited by the Chinese government. If the United States wants to see true change in China, see freedoms enjoyed by all throughout the country, programs such as Radio Free Asia must continue to exist and must be expanded so they can reach a greater audience.

If we hope to bring stability and democracy to Asia, we must not turn our backs on the largest country in the world. We must continue to work with the Administration in pressuring the Chinese government to release all political prisoners including Rebiya Kadeer, a Uighur businesswomen jailed earlier this year, and to allow the Dali Lama to return to Tibet. We must also continue to support worthwhile, effective endeavors current in place, including Radio Fred Asia. I hold out hope that greater involvement in the world community will one day bring out respect for human rights and the rule of law in China.

Mr. LIPINSKI. Mr. Speaker, I rise today to support the passage of H.J. Res. 103 and deny the extension of Normal Trade Relations with China.

I believe that we are all shaped by our life experiences. We are all influenced by the lessons from our youth.

For me, post-World War II Chicago was a unique place and time to grow up. At home, in school, in church, and in the ballfields, we learned the difference between right and wrong, good and bad, friends and enemies.

Our parents taught us the value of hard work and discipline. When we played 16-inch softball, we knew the rules, and we played by them. It was wrong to cheat, and cheaters were punished. In school, we learned about our nation's history. In the schoolyards, we learned who were our friends and who weren't. In church, we learned about God, morality, and right and wrong. When I grew up, we learned to love and honor this nation and all that it stands for.

I value those simple lessons from my youth that remain with me to this day, which is why I opposed NTR for China.

The Communist leaders in Beijing do not play by our rules. They do not act as friends. They do not act in the interest of peace and prosperity for all.

Instead, they point missiles at the democratic island of Taiwan and U.S. military bases on Japan, break trade agreements with the U.S., sell nuclear and other dangerous weapon technologies to the highest bidder, practice forced abortions, throw democratic activists into jail, ignore human rights, and set up concentration camps.

We do not trade with other totalitarian regimes.

Do we have NTR with North Korea?

Do we have NTR with Serbia?

Do we have NTR with Cuba?

No, no, and no.

Then why should China get it?

That is the question I pose to my colleagues today. Think about the lessons from our youth. Think about the logic of trading with China. Think about what it means for this nation and our ideals.

Mr. Speaker, I am not someone who seeks out confrontation and conflict with anyone. I do not believe that the U.S. should carelessly start needless fights in this world. But we must protect our interests. We must protect our ideals. We must protect our principles.

I can see a day in the future where we can freely and fairly trade with a friendly and democratic China. I can see a day in the future where China acts as our friend in promoting peace and prosperity.

I want to see such a day happen, but until the day that China becomes a democracy that is for the people and by the people, until China stops pointing missiles at the U.S. and Taiwan, until China honors its trade agreements, until China starts to respect basic human rights, I will continue to fight against giving a blank NTR check to China.

Vote for this resolution and against NTR for China.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to the order of the House of Monday, July 17, 2000, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and the third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BASS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 147, nays 281, not voting 6, as follows:

[Roll No. 405]

YEAS—147

Abercrombie	Graham	Quinn
Aderholt	Gutierrez	Rahall
Baca	Hall (OH)	Riley
Baldacci	Hastings (FL)	Rivers
Baldwin	Hayes	Rogers
Barcia	Hayworth	Rohrabacher
Barr	Hefley	Ros-Lehtinen
Bartlett	Hillery	Rothman
Barton	Hilliard	Rush
Bonior	Horn	Sabo
Borski	Hostettler	Sanchez
Brady (PA)	Hunter	Sanders
Brown (FL)	Jackson (IL)	Sanford
Brown (OH)	Jones (NC)	Saxton
Burr	Jones (OH)	Scarborough
Burton	Kaptur	Schaffer
Capuano	Kennedy	Schakowsky
Clay	Kildee	Sensenbrenner
Clyburn	Kilpatrick	Sisisky
Coble	King (NY)	Smith (NJ)
Coburn	Kingston	Souder
Collins	Klink	Spence
Condit	Kucinich	Spratt
Conyers	Lantos	Stark
Cook	Lee	Stearns
Costello	Lewis (GA)	Strickland
Cox	Lipinski	Stupak
Coyne	LoBiondo	Tancred
Cummings	Mascara	Taylor (MS)
Danner	McIntyre	Taylor (NC)
Davis (IL)	McKinney	Thompson (MS)
Deal	Meek (FL)	Tierney
DeFazio	Menendez	Towns
Delahunt	Metcalfe	Traficant
DeLauro	Miller, George	Udall (CO)
Diaz-Balart	Mink	Udall (NM)
Doyle	Mollohan	Velazquez
Duncan	Nadler	Visclosky
Ehrlich	Ney	Wamp
Engel	Norwood	Waters
Evans	Obey	Weldon (FL)
Forbes	Olver	Wexler
Frank (MA)	Owens	Weygand
Gejdenson	Pallone	Wise
Gephardt	Pascarell	Wolf
Gibbons	Payne	Woolsey
Gilman	Pelosi	Wu
Goode	Phelps	Wynn
Goodling	Pombo	Young (AK)

NAYS—281

Ackerman	Blagojevich	Chambliss
Allen	Bliley	Chenoweth-Hage
Andrews	Blumenauer	Clayton
Archer	Blunt	Clement
Armey	Boehrlert	Combest
Bachus	Boehner	Cooksey
Baird	Bonilla	Cramer
Baker	Bono	Crane
Ballenger	Boucher	Crowley
Barrett (NE)	Boyd	Cubin
Barrett (WI)	Brady (TX)	Cunningham
Bass	Bryant	Davis (FL)
Bateman	Buyer	Davis (VA)
Becerra	Callahan	DeGette
Bentsen	Calvert	DeLay
Bereuter	Camp	DeMint
Berkley	Canady	Deutscher
Berman	Cannon	Dickey
Berry	Capps	Dicks
Biggert	Cardin	Dingell
Bilbray	Carson	Dixon
Bilirakis	Castle	Doggett
Bishop	Chabot	Dooley



Doolittle	Kolbe	Price (NC)
Dreier	Kuykendall	Pryce (OH)
Dunn	LaFalce	Radanovich
Edwards	LaHood	Ramstad
Ehlers	Lampson	Rangel
Emerson	Largent	Regula
English	Larson	Reyes
Eshoo	Latham	Reynolds
Etheridge	LaTourette	Rodriguez
Everett	Lazio	Roemer
Ewing	Leach	Rogan
Farr	Levin	Roukema
Fattah	Lewis (CA)	Roybal-Allard
Filner	Lewis (KY)	Royce
Fletcher	Linder	Ryan (WI)
Foley	Lofgren	Ryun (KS)
Ford	Lowey	Salmon
Fossella	Lucas (KY)	Sandlin
Fowler	Lucas (OK)	Sawyer
Franks (NJ)	Luther	Scott
Frelinghuysen	Maloney (CT)	Serrano
Frost	Maloney (NY)	Sessions
Gallegly	Manzullo	Shadegg
Ganske	Markey	Shaw
Gekas	Martinez	Shays
Gilchrest	Matsui	Sherman
Gillmor	McCarthy (MO)	Sherwood
Gonzalez	McCarthy (NY)	Shimkus
Goodlatte	McCrery	Shows
Gordon	McDermott	Shuster
Goss	McGovern	Simpson
Granger	McHugh	Skeen
Green (TX)	McInnis	Skelton
Green (WI)	McKeon	Slaughter
Greenwood	McNulty	Smith (MI)
Gutknecht	Meehan	Smith (TX)
Hall (TX)	Meeks (NY)	Snyder
Hansen	Mica	Stabenow
Hastings (WA)	Millender-	Stenholm
Herger	McDonald	Stump
Hill (IN)	Miller (FL)	Sununu
Hill (MT)	Miller, Gary	Sweeney
Hinchey	Minge	Talent
Hinojosa	Moakley	Tanner
Hobson	Moore	Tauscher
Hoefel	Moran (KS)	Tauzin
Hoekstra	Moran (VA)	Terry
Holden	Morella	Thomas
Holt	Murtha	Thompson (CA)
Hooley	Myrick	Thornberry
Houghton	Napolitano	Thune
Hoyer	Neal	Thurman
Hulshof	Nethercutt	Tiahrt
Hutchinson	Northup	Toomey
Hyde	Nussle	Turner
Inslee	Oberstar	Upton
Isakson	Ortiz	Vitter
Istook	Ose	Walden
Jackson-Lee	Oxley	Walsh
(TX)	Packard	Watkins
Jefferson	Pastor	Watt (NC)
Jenkins	Paul	Watts (OK)
John	Pease	Waxman
Johnson (CT)	Peterson (MN)	Weiner
Johnson, E. B.	Peterson (PA)	Weldon (PA)
Johnson, Sam	Petri	Weller
Kanjorski	Pickering	Whitfield
Kasich	Pickett	Wicker
Kelly	Pitts	Wilson
Kind (WI)	Pomeroy	Young (FL)
Klecza	Porter	
Knollenberg	Portman	

## NOT VOTING—6

Boswell	McCollum	Smith (WA)
Campbell	McIntosh	Vento

□ 1525

Messrs. NUSSLE, ARMEY, DELAY, CUNNINGHAM, MALONEY of Connecticut, GONZALEZ, GARY MILLER of California, Ms. PRYCE of Ohio, Ms. NAPOLITANO, Mrs. BIGGERT, Ms. SLAUGHTER and Mrs. CHENOWETH-HAGE changed their vote from “yea” to “nay.”

Messrs. CAPUANO, FRANK of Massachusetts, LIPINSKI, GUTIERREZ, BARTON of Texas, QUINN, Ms. LEE and Mrs. MEEK of Florida changed their vote from “nay” to “yea.”

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Under clause 8 of rule XX, the Chair will now put the question on two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3113, by the yeas and nays; and H.R. 4517, by the yeas and nays.

Further proceedings on H.R. 2634, on which the yeas and nays were ordered, will resume tomorrow.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

## UNSOLICITED COMMERCIAL ELECTRONIC MAIL ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3113, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Mrs. WILSON) that the House suspend the rules and pass the bill, H.R. 3113, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 427, nays 1, not voting 6, as follows:

[Roll No. 406]

YEAS—427

Abercrombie	Berman	Callahan
Ackerman	Berry	Calvert
Aderholt	Biggert	Camp
Allen	Bilbray	Canady
Andrews	Bilirakis	Cannon
Archer	Bishop	Capps
Armey	Blagojevich	Capuano
Baca	Bliley	Cardin
Bachus	Blumenauer	Carson
Baird	Blunt	Castle
Baker	Boehrlert	Chabot
Baldacci	Boehner	Chambliss
Baldwin	Bonilla	Chenoweth-Hage
Ballenger	Bonior	Clay
Barcia	Bono	Clayton
Barr	Borski	Clement
Barrett (NE)	Boucher	Clyburn
Barrett (WI)	Boyd	Coble
Bartlett	Brady (PA)	Coburn
Barton	Brady (TX)	Collins
Bass	Brown (FL)	Combest
Bateman	Brown (OH)	Condit
Becerra	Bryant	Conyers
Burr	Burton	Cook
Bereuter	Buyer	Cooksey
Berkley		Costello
		Cox
		Coyne
		Cramer
		Crane
		Crowley
		Cubin
		Cummings
		Cunningham
		Danner
		Davis (FL)
		Davis (IL)
		Davis (VA)
		Deal
		DeFazio
		DeGette
		Delahunt
		DeLauro
		DeLay
		DeMint
		Deutsch
		Diaz-Balart
		Dickey
		Dicks
		Dingell
		Dixon
		Doggett
		Dooley
		Doolittle
		Doyle
		Dreier
		Duncan
		Dunn
		Edwards
		Ehlers
		Ehrlich
		Emerson
		Engel
		English
		Eshoo
		Etheridge
		Evans
		Everett
		Ewing
		Farr
		Fattah
		Filner
		Fletcher
		Foley
		Forbes
		Ford
		Fossella
		Fowler
		Frank (MA)
		Franks (NJ)
		Frelinghuysen
		Frost
		Gallegly
		Ganske
		Gejdenson
		Gekas
		Gephardt
		Gibbons
		Gilchrest
		Gillmor
		Gilman
		Gonzalez
		Goode
		Goodlatte
		Goodling
		Gordon
		Goss
		Graham
		Granger
		Green (TX)
		Green (WI)
		Greenwood
		Gutierrez
		Gutknecht
		Hall (OH)
		Hall (TX)
		Hansen
		Hastings (FL)
		Hastings (WA)
		Hayes
		Hayworth
		Hefley
		Herger
		Hill (IN)
		Hill (MT)
		Hilleary
		Hilliard
		Hinchey
		Hinojosa
		Hobson
		Hoefel
		Hoekstra
		Holden
		Holt
		Hooley
		Horn
		Hostettler
		Houghton
		Hoyer
		Hulshof
		Hunter
		Hutchinson
		Hyde
		Inslee
		Isakson
		Istook
		Jackson (IL)
		Jackson-Lee
		(TX)
		Jefferson
		Jenkins
		John
		Johnson (CT)
		Johnson, E. B.
		Johnson, Sam
		Kanjorski
		Kasich
		Kelly
		Kind (WI)
		Klecza
		Knollenberg
		Mollohan
		Moore
		Moran (KS)
		Moran (VA)
		Morella
		Murtha
		Myrick
		Nadler
		Napolitano
		Neal
		Nethercutt
		Ney
		Northup
		Norwood
		Nussle
		Oberstar
		Obey
		Olver
		Ortiz
		Ose
		Owens
		Oxley
		Packard
		Pallone
		Pascarell
		Pastor
		Payne
		Pease
		Pelosi
		Peterson (MN)
		Peterson (PA)
		Petri
		Phelps
		Pickering
		Pickett
		Pitts
		Pombo
		Pomeroy
		Porter
		Portman
		Pryce (NC)
		Pryce (OH)
		Quinn
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Reyes
		Reynolds
		Riley
		Rivers
		Rodriguez
		Roemer
		Rogan
		Rogers
		Rohrabacher
		Ros-Lehtinen
		Rothman
		Roukema
		Roybal-Allard
		Royce
		Rush
		Ryan (WI)
		Ryun (KS)
		Sabo
		Salmon
		Sanchez
		Sanders
		Sandlin
		Sanford
		Sawyer
		Saxton
		Scarborough
		Schaffer
		Schakowsky
		Sensenbrenner
		Serrano
		Sessions
		Shadegg
		Shaw
		Shays
		Sherman
		Sherwood
		Shimkus
		Shows
		Shuster
		Simpson
		Sisisky
		Skeen
		Skelton
		Slaughter
		Smith (MI)
		Smith (NJ)
		Smith (TX)

Snyder  
Souder  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sununu  
Sweeney  
Talent  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry

Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Toomey  
Townsend  
Traficant  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Velazquez  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp

Waters  
Watkins  
Watt (NC)  
Watts (OK)  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Weygand  
Whitfield  
Wicker  
Wilson  
Wise  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NAYS—1

Paul

## NOT VOTING—6

Boswell  
Campbell

McCollum  
McIntosh

Smith (WA)  
Vento

□ 1545

Mr. SANFORD changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

ALAN B. SHEPARD, JR. POST  
OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4517.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 4517, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 407]

## YEAS—423

Abercrombie  
Ackerman  
Aderholt  
Allen  
Andrews  
Archer  
Armey  
Baca  
Bachus  
Baird

Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton

Bass  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Billbray

Bilirakis  
Bishop  
Blagojevich  
Blumenauer  
Blunt  
Boehrlert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (OH)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cannon  
Capps  
Capuano  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Chenoweth-Hage  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crowley  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Filner  
Fletcher  
Foley  
Forbes

Ford  
Fossella  
Fowler  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green (TX)  
Green (WI)  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill (IN)  
Hill (MT)  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inslee  
Isakson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kleczka  
Klink  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Larson  
Latham  
LaTourette  
Lazio

Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markay  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Metcalfe  
Mica  
Millender-McDonald  
Miller (FL)  
Miller, Gary  
Miller, George  
Minge  
Mink  
Moakley  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Ose  
Owens  
Oxley  
Packard  
Pallone  
Pascarell  
Pastor  
Paul  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Reyes

Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salmon  
Sanchez  
Sandlin  
Sanford  
Sawyer  
Scarborough  
Schaffer  
Schakowsky  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows

Shuster  
Simpson  
Sisisky  
Skeen  
Skeltton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sununu  
Sweeney  
Talent  
Tancredo  
Tanner  
Tauscher  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman

Tiahrt  
Tierney  
Toomey  
Towns  
Traficant  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Velazquez  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins  
Watt (NC)  
Watts (OK)  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Wexler  
Weygand  
Whitfield  
Wicker  
Wilson  
Wise  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—11

Bliley  
Boswell  
Campbell  
Kuykendall

McCollum  
McIntosh  
Sanders  
Saxton

Smith (WA)  
Vento  
Weller

□ 1554

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BEST WISHES TO SENATOR PAUL  
COVERDELL DURING A HEALTH  
CHALLENGE

(Mr. BLUNT asked and was given permission to address the House for 5 minutes and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, about a year ago I began to work closely on a number of projects with Senator PAUL COVERDELL from Georgia. I just want to take some time today to express my appreciation for his great work for the House, the Senate, for America, and extend our best wishes to him and his wife, Nancy, as they deal with the challenge to his health right now.

Senator COVERDELL brings humility to this job, a humility that is rare in public office. He brings dedication, an ability to work hard, a tremendous insight, and certainly those of us in the House benefit more than we know by his hard work in the Senate, his hard work for this process.

I would like for him and his wife, Nancy, to know that we are thinking about them as he deals with this health challenge, and that we need him back here. We hope for his speedy recovery. We know that if anybody can meet this

challenge in an extraordinary way, PAUL COVERDELL can.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. LINDER. I thank the gentleman for taking this time, Mr. Speaker.

I have known PAUL COVERDELL since 1972. There was not an important project in politics or policy that went on in Georgia in the last 28 years in which he was not involved, very often very quietly, very much behind the scenes. Lynne and I have been friends with him and Nancy since they were married.

We want Nancy to know that our prayers are with them. We hope PAUL recovers and gets back here. His country needs him.

Mr. ISAKSON. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his expressions for PAUL and Nancy. I, too, have known PAUL COVERDELL for the past 25 years, and no one in our State has contributed more.

The people of the Sixth District will join me, I am sure, in their prayers and thoughts over the next few days for a speedy recovery for PAUL. As the gentleman from Georgia (Mr. LINDER) so eloquently said, his State needs him, his country needs him, and we need him in the Congress of the United States of America. He has our thoughts and our prayers today as he meets his challenges ahead.

Mr. DEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding, and for taking this opportunity to express our concern for Senator COVERDELL.

Like most of those of us in the Georgia delegation, we have worked with Paul for many years. I worked with him in the eighties when we were both members of the Georgia Senate. He has always been one of those conscientious individuals who dedicated himself to whatever task was before him, and he has carried that same dedication here to the United States Senate.

We wish for he and Nancy a speedy recovery, and our prayers and the prayers of those in our State will be with him.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding.

Mr. Speaker, I have known Senator PAUL COVERDELL for many years. We worked together in the city of Atlanta in the Fifth District. He has been very

helpful and very supportive over the years.

Our prayers are with him at this time, with his family, and we wish for Senator COVERDELL a speedy recovery. We ask that the divine hands of the Almighty be with him during this hour.

Mr. BARR of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chief deputy majority whip for providing this time on the floor today as PAUL and his family are coping with a very serious medical illness that has befallen our colleague from Georgia on the other side of this great Capitol building.

□ 1600

PAUL COVERDELL is a man of Georgia. He is a true patriot of this country, and he works tirelessly on behalf of the people of Georgia and the United States of America. But first and foremost, he is a man of God. We ask the Lord's blessing on him and his doctors today as they cope with this very serious illness, and we ask for the prayers of all of our colleagues and all of those many millions of Americans whose very kind and gentle work and lives PAUL has touched with his work over the years.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I would like to join with my colleagues in praying for a speedy recovery of Senator COVERDELL. I have had many differences with the Senator on legislative issues, but I have not met anyone that has been more of a gentleman, more of someone that respects the other view, and someone that really respects the institution of the House and the other body.

It is times like this that we throw away the labels of Democrat and Republican and realize that God's hand is involved in everything that we do, and at a time like this, only our prayers can be of any assistance to our colleague.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding to me.

I, too, would just like to echo the sentiment of all of my colleagues. PAUL COVERDELL is a great American. Nobody does more for his country or loves this country more than PAUL COVERDELL. He is simply a great American and great individual to work with us.

Our prayers go out to PAUL and Nancy as he goes through this very difficult time. We just look forward to a very speedy recovery for PAUL and return to the United States Senate.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding to me. I thank him, too, for bringing this matter and this announcement before the House of Representatives.

PAUL COVERDELL is a colleague, but most of all he is a friend, a friend for many years to many of us. In fact, PAUL COVERDELL has been a role model for many of us who followed him and served with him in the different bodies of the legislature.

When we received the call on Sunday afternoon that he had been admitted to Piedmont Hospital, our prayers began immediately, because we understood the severeness of his problem.

I hope and I pray that all of my colleagues would join us, join with the people of Georgia, the people of this Nation in praying for a speedy recovery and a full recovery of PAUL COVERDELL.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is times like this and many other times when one is dealing with PAUL COVERDELL that one no longer thinks of him as a United States Senator. One does not think of him as one of the most influential men in America. One thinks of him just as PAUL, PAUL and Nancy Coverdell, two friends whom we have all worked with over the years, whom we have all known and respected.

One thing about PAUL is one may agree or disagree with him, but one always respects his energy level, his knowledge of the issue, and the way he is so focused in attacking things. We are all his friends. He is a friend of the institution, and he is a friend of the governmental process, somebody who respects everyone and has that respect both ways.

Our prayers are with him, and that is the best that we can all do at this time.

Mr. BLUNT. Mr. Speaker, I thank my friends for participating today and the indulgence of the House as we talk about a person who is really of great value to the House.

About a year ago, I was given an assignment that allowed me to work with Senator COVERDELL every week. I told the person that gave me that assignment several months ago I would have done that job in retrospect if for no other reason than to get to work with PAUL COVERDELL.

He is truly, as the gentleman from New York (Mr. RANGEL) said, one of the great gentlemen of this Congress. We need him to get our work done. We wish him well. Our prayers are with him and his family.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair has, under today's unusual circumstances, allowed unusual latitude in references to a sitting member of the other body.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on postponed questions will be taken later today.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1660

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor from H.R. 1660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

# DEBT RELIEF RECONCILIATION ACT FOR FISCAL YEAR 2001

Mr. NUSSLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4866) to provide for reconciliation pursuant to section 103(b)(1) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, as amended.

The Clerk read as follows:

H.R. 4866

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Debt Relief Reconciliation Act for Fiscal Year 2001".

## SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;

(2) fiscal pressures will mount in the future as the aging of the population increases budget obligations;

(3) until Congress and the President agree to legislation that strengthens social security, the social security surplus should be used to reduce the debt held by the public;

(4) strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and

(5) it is fiscally responsible and in the long-term national economic interest to use a portion of the nonsocial security surplus to reduce the debt held by the public.

(b) PURPOSE.—It is the purpose of this Act to—

(1) reduce the debt held by the public with the goal of eliminating this debt by 2013; and

(2) decrease the statutory limit on the public debt.

## SEC. 3. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

### "§3114. Public debt reduction payment account

"(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').

"(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

"(c) There is hereby appropriated into the account on October 1, 2000, or the date of enactment of this Act, whichever is later, out of any money in the Treasury not otherwise appropriated, \$25,000,000,000 for the fiscal year ending September 30, 2001. The funds appropriated to this account shall remain available until expended.

"(d) The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.

"(f) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

"(g) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

"3114. Public debt reduction payment account."

## SEC. 4. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting "minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)" after "\$5,950,000,000,000".

## SEC. 5. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

## SEC. 6. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

## SEC. 7. REPORTS TO CONGRESS.

(a) REPORTS OF THE SECRETARY OF THE TREASURY.—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.

(2) Not later than October 31, 2002, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.

(b) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than November 15, 2002, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate verifying all of the information set forth in the reports submitted under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

## GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4866.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, last month, H.R. 4601 took the first step toward eliminating the national debt by the year 2013. That bill set aside additional non-Social Security surpluses for fiscal year 2000 for debt reduction by depositing the money in a newly created public debt reduction payment account in Treasury. Money deposited in this account would be taken off budget and could not be used for any purpose other than paying down the publicly held debt. The bill passed an overwhelmingly 419 to 5.

Well, what a difference a month makes. Since then, as my colleagues may recall, the budget surplus for this next year was going to be about \$180 billion, the Congressional Budget Office has announced that that now is going to rise to a level of \$268 billion. So today, H.R. 4866 would build on that progress of H.R. 4601 by depositing into the account an additional \$25 billion out of the non-Social Security surplus for the fiscal year 2001.

A debt reduction payment account has already been established from Treasury. The account is not part of the budget. So any cash, any money that we put into that would be taken outside of the budget. Twenty-five billion dollars of the non-Social Security surplus is automatically deposited into this account if this bill is passed. The statutory debt limit will also be reduced by an equivalent amount. Once the money is deposited into the account, the Treasury must use the money to reduce the public debt. The money cannot be used for any other purpose.

Thirty days after the end of the year, after the end of fiscal year 2001, Treasury has to submit a report detailing to Congress the amount of money that was deposited into the account, the amount of the public debt reduction, and the exact Treasury securities that were redeemed with those funds; and this information is verified by the GAO.

Let me just give those people at home that I know watch what happens here with a lot of enthusiasm, a lot of concern, let me give them a thumbnail sketch of what we are talking about here today.

The budget, when we passed it in April for fiscal year 2001, was going to have a surplus of \$180 billion. The Congressional Budget Office has now re-estimated that surplus to be \$268 billion.

Now, let me tell my colleagues what we have planned based on this bill and based on our budget for how that money should be used. First of all, \$166 billion of that is Social Security. It is taken out of the budget under our budget plan. It is taken away. Nobody can touch it. We have done that now for the third consecutive year. We have

had the opportunity to take Social Security completely out of the budget.

The Medicare surplus, the Medicare Trust Fund surplus, \$32 billion, is taken outside of the budget. Nobody can use it for anything else, as it was used in the past. The debt that we are reducing is \$25 billion. All right. There will be tax relief of about \$5 billion to \$6 billion.

Let me give my colleagues some of the percentages. The debt reduction of this bill alone represents 83 percent of the budget surplus going to reduce the national debt. We have the opportunity today to pass on to our kids a little less debt than we did the day before. The tax cut by relationship is only representing about 2 percent of that particular budget.

This is the second bill in a row to reduce the national debt, and there is still the opportunity to have a third bill in the fall to, again, make another principal payment toward the national debt.

Now, it is not going to be very glamorous to do this, and there is going to be a lot of people who run down here to the floor and say, oh, well, this would automatically happen. Yes, sure. For the last 40 years, it has not automatically happened. Nobody reduced any debt during that period of time. If someone wants to believe this is automatically going to happen, I have got some swamp land someplace to sell to them.

This is prioritizing how the surplus ought to be used, national debt number one.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill comes to the floor under the Suspension Calendar, which it is a suspension of the rules. But I would assume it also means it is the suspension of common sense. I have never before heard anybody that is going to reduce the deficit by proclamation.

I was amazed that the gentleman from Iowa (Mr. NUSSLE) would say that he was addressing his remarks to the people at home, because I would be embarrassed to tell the people at home that I am supporting a bill that never went through any committee in the House of Representatives.

It is just that someone woke up in the middle of the night and said let us give a message to the people at home. Last night, the message would have been that we would reduce the budget by \$7.5 billion. But that was not a sufficient message for the people at home. That would not fly in going to the convention. So we say, let us reduce it by \$90 billion or whatever the new numbers are going to be.

One does not reduce deficits just by standing on the floor proclaiming what one wants to do. One does not reduce

the deficit by just trying to find out what is the new surplus under the Clinton-Gore administration, what has been announced, and then, as soon as one does, one adds it to the list of tax cuts that one has had that, so far, is \$611 billion. Then, too, one has to restrain one's spending.

The people at home know that the only way to reduce debt is to increase revenue or to decrease spending. So what my colleagues are trying to do is to do both. But since we know that this is merely a proclamation for the people at home, and since we know that nobody in this House is against the concept, and since we know that the gentleman that is supporting the bill on this side belongs to the same committee I belong to, and it certainly did not come from our committee, that maybe it came from the Republican Congressional Campaign Committee.

I do not have any problem with that, because we Democrats would support the reduction of the deficit. It is a waste of people's time to do this. We need people to do things by action, not just by statement.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT), who is a member of the Committee on Ways and Means, and maybe the more committee members we have of the Committee on Ways and Means, we can see where this suspension came from.

Mr. McDERMOTT. Mr. Speaker, it is Howdy Doody time again.

Mr. Speaker, I will enter into the RECORD my remarks of June 20 when we passed the last iteration of this foolishness.

Mr. Speaker, I started by saying that Groucho Marx said the main requirement to be a good politician is to appear to be serious.

The Washington Post recently commented on the performance of the majority in this Congress by calling this the "pretend Congress."

Now my colleagues get the second act from what I said in June. Because after we passed the bill, immediately the Congress went to work and started passing a supplemental appropriation. They reached into this lockbox that they say they are creating, and they took out of it all of the money and spent it. Then they started on the budget for 2001, and they started moving around pay days and when contractors get paid. It is all a flimflam.

Now, for the folks back home who are listening, let me explain something to them.

□ 1615

When the Federal Government gets tax money in, it sits in the treasury, and when the bonds come due, those government bonds, people say—

POINT OF ORDER

Mr. FLETCHER. Mr. Speaker, point of order.

Mr. McDERMOTT. I am explaining to the Speaker, because he may not understand either, from the way these bills come.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will suspend.

The Chair recognizes the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, point of order. My understanding of the rules on the floor is that we are to address the Speaker, not the people back home, and yet he directly addressed them.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members to address the Speaker, and not the television audience.

Mr. McDERMOTT. Mr. Speaker, I want you to understand how the budget money is dealt with, because I know you may not have been on the Committee on the Budget.

When the money is in the Treasury and the bonds come due, if there is money laying there, they buy back those bonds. They do not have to borrow money to roll over the debt. It happens automatically. It happens automatically. It has done it for years. We do not need bills like this, which come out here 2 weeks before the convention to say that we are reducing the debt. We have been reducing the debt. It has been going on on a regular basis.

Now, if my colleagues on the other side were serious about reducing the debt, and we get a new announcement from the Congressional Budget Office that says that we have \$90 billion more in surplus, why do they come out here and only buy back \$25 billion? Why do they not buy it all back? We know why. Because the Republicans want to give tax breaks. We are going to move on one of them here very shortly.

The fact is that we have already given \$611 billion in tax breaks over the next 10 years. Now, if my colleagues were serious about paying back the deficit and they wanted to reduce the debt, what they would do is stop spending money, let it accumulate in the treasury, and when the bonds come due, the treasury pays them off. We do not do it by spending every chance we get.

We have to save some money here also for what happens in September. I will say it now so I can get out my remarks in September and say that we are going to spend a bunch of money in September to buy our way out of this Congress. The majority cannot stop themselves. It is an election year. And that makes this a sham.

Now, we are all part of the PR, and we are going to vote for it, like everybody else; but do not, anybody who is watching, pay any attention.

Mr. Speaker, I submit for the record hereafter the remarks I referred to earlier:

DEBT REDUCTION RECONCILIATION ACT OF 2000

Mr. McDERMOTT. Mr. Speaker, Groucho Marx said that the main requirement to be a

good politician is to appear to be serious. The Washington Post recently commented on the performance of the majority in this Congress by calling this 'the pretend Congress.'

This is one of the new acts. This debt reduction bill here pretends to do something. We are all called here together, we are going to be serious, we are going to give pompous speeches about how we are going to reduce the debt, and we are saving America, and all those Girl Scout cookies and all that stuff will just be fixed by this bill.

Now, the chairman at least was honest, and I really acknowledge the gentleman from Texas (Mr. Archer) honesty. This bill is effective from now until September 30, 2000. It does not quite make it all the way through the election. So it is not really a very good pretend item. It would be better if it went at least until November 8. But this is a bill for 4 months.

Now, you ask yourself, why would anybody be doing such a thing? Well, if you come up to a new reestimate of the revenue estimates here very shortly, the CBO and the OMB are going to come out with a whole bunch more money. Clearly the majority is afraid that they are going to spend it. They cannot save themselves. They have all the votes. This is your problem. We have the votes, as the majority over there, and they are going to put more money on the table and if you do not pass this bill, you will not be able to stop yourself from spending it. That is what this is about, I guess. Or maybe it is not about that.

The fact is that we have a situation where the Treasury does not need this bill to pay off more debt. If we get to the end of the fiscal year and there is some money there, they reduce the debt. They do not have to borrow. It is real simple. They do not need us to pass H.R. 4601 to tell them what they have been doing for 200 years. If they have a surplus, they buy down some of the debt. But this is a symbolic act, as my colleague from California says. I thought this would be on Friday, because this is usually the news cycle on Friday, they want to have something that says the Republicans today have passed a bill to encourage reduction of the debt.

Now, if you think about it, if you want to reduce the debt, you do not give big tax breaks, because taxes bring in money. And if you cut the taxes, there will not be any money to pay off the debt. So when you come out here and vote for tax cut after tax cut after tax cut and then say, And we want to reduce the debt, you simply are not making sense. There are only two ways to have money to pay off the debt, either take the taxes and pay it off or reduce the spending and pay it off, one or the other.

I do not see any evidence so far in this appropriations process that we are actually reducing spending. In fact, we are going up a little bit, and probably we are going to need some of this money along about September 15 to solve the problem to buy off this program or that program so we can get out of here. All we have to do under this bill, we do not have to repeal the act, we do not have to do anything, just pass the supplemental appropriation.

This can be violated by the most simplistic legislative act of all, just bring out another bill, spend some more money, in spite of the fact that we have passed H.R. 4601, the debt reduction bill. This bill will die in the Senate from laughter. There will not be anybody over there that takes this seriously.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds to say that it is in-

teresting that both of the gentlemen who just spoke voted for the bill that they ridiculed. They rush here down to the floor and they say, oh, what a bad bill; oh, it is just theater; oh, we cannot stand it, and then they vote for it. Boy, that is political will. Boy, that is courage.

This is the Democratic magic show. Do not look at what we are doing; look over here. Look over here. We want people to look over here; do not look at what we are working on. Look over here. Let us talk about everything else but the facts that we are reducing the debt.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. Hayworth).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from the Committee on Ways and Means, who serves as one of our representatives to the Committee on the Budget, for yielding me this time; and I would note for this House, mindful of the remarks of my colleague on the Committee on Ways and Means from Washington State, my remarks in response to his comments in June that also appeared in the CONGRESSIONAL RECORD where we offered the popular definition of insanity. The popular definition of insanity is, doing the same thing over and over again and expecting a substantially different outcome.

And therein we find the horns of the dilemma for our friends on the left. Because they come to this floor and speak disdainfully of process, indeed, Mr. Speaker, inviting our constituents to believe that this is somehow a flimflam. But, Mr. Speaker, the sad fact is the flimflam came in the 40 years of one-party dominance that this Congress saw where our friends on the left continually spent not only the money raised in revenue for general purposes but revenue intended for Social Security, revenue intended for Medicare, revenue that drove us deeper and deeper and deeper into debt.

And, Mr. Speaker, while we welcome their support, disdainful though it may be, while we welcome their support here and we also welcome their rhetorical endorsement now of debt retirement, we also point out that we stand in support of today's resolution because we intend to retire the debt. We have listened to the folks back home, Mr. Speaker; and, moreover, we understand this fundamental truth that fails to be grasped by our friends on the left: the money in the United States Treasury, Mr. Speaker, belongs to the American people, the American taxpayer. And, yes, we proudly stand and say that the American people ought to hold on to more of their hard-earned money instead of sending it here to Washington.

Now, it is a legitimate debate. My colleagues on the left believe the highest and best use of taxpayer money, of



the American people's money, Mr. Speaker, is to keep it here in Washington for more and more expenditures, for more and more grand schemes, because the Washington bureaucrats know best.

We know exactly the opposite is true, Mr. Speaker. That is the voice of fiscal sanity here. We say let the American people hang on to their money and let us take a portion of that money that remains in Washington and use it to pay down the debt with this particular resolution to the tune of \$25 billion, paying down the debt, in effect lowering the debt ceiling, for the second time since 1917, and thereby making history.

No, Mr. Speaker, it is not gimmickry. It is something that is unique and novel to our colleagues on the left. It is sound accountancy and ultimately being accountable to the American people.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there are different ways to skin this cat; and I guess the puzzling, perplexing aspect of this bill is why we are reaching for a new solution when we have got other solutions ready at hand.

For example, as the gentleman from Iowa knows, we are way over the discretionary spending caps. There is no chance that we will adhere to the caps that we set in 1997. We could reset the discretionary spending caps, reinstate the process we call sequestration, so that if we exceed those caps, there is an automatically across-the-board series of cuts that reins in spending to the level we have set.

We also have something around here we call the pay-go rule. It applies to tax cuts and entitlement increases. It says, basically, if we want to have either, we have to pay for it. We have to offset it. There must be an offsetting tax increase to diminish the revenue loss or there must be a decrease in an entitlement in order to pay for an increase in entitlement. Those rules are there. Why not simply put them back into working order?

Furthermore, if we are really in earnest, the surplus projected for next year, 2001, is \$102 billion, per CBO's most recent report. \$102 billion is the on-budget surplus without including Social Security. Why go for \$25 if the on-budget surplus is \$102? Why not raise our sights, lift the bar a bit, and go \$50, half of the on-budget surplus? At least why not go for \$32 billion, because \$32 billion is the amount of surplus calculated into that \$102 billion surplus which is attributable to the surplus in the Medicare hospital insurance trust fund?

Now, the last time we had a similar bill to this on the House floor, there was a companion bill which sought to redefine the on-budget surplus to exclude the surplus in the Medicare trust account. The surplus in the Medicare trust account is \$32 billion in fiscal year 2001. This amount should be, if we are really in earnest about protecting the Medicare surplus, at a minimum \$32 billion. Why is it \$25 billion? Why have we set the bar so low, and what do we accomplish by doing all this?

Now, I voted for it the last time; I will vote for it again this time. But I really think this is more about showmanship than about substance, because there are other ways to do what we want to do. And if we are really sincere and earnest about doing this, it ought to be higher than \$25 billion.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me this time. This is not showmanship. This is not just for rhetoric. This is a sincere attempt to try to prevent new spending, which occurs over and over again when we are about to close a congressional session.

Is it perfect? Maybe not. But it is genuinely designed to protect the update in surplus, which we have just received from the CBO, over and above what we planned when we passed the budget earlier this year, from being spent on programs which will continue to grow like Topsy in the years ahead.

Is this for the people back home? I heard a Member say, oh, but this is for the people back home. It is for the people back home. It is to protect their hard-earned money that has come to Washington as a windfall profit to the Federal Government, a windfall profit that should not go into new spending programs.

And, yes, we must be honest. Politicians will find a way to spend money. It is seductive. It is not just on one side or the other. This is a genuine attempt to put this money off budget so it cannot be spent and that it will go where it should go: to pay down the debt.

Now, it has been alluded to that, oh, well, this relates to new tax relief. There is no way any new tax bill can get at the updated surplus for this year. The only thing that can happen to it that is not in the interest of the people is that in the last moment it will be spent on new programs. And we want to stop that. Yes, we do. And, yes, it is for the people, because it will protect their earnings that they have sent to Washington from new spending programs.

This should be overwhelmingly embraced by both sides of the aisle, if they genuinely want to stop new spend-

ing this year. I encourage a bipartisan vote for this bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to join with the chairman of this committee in asking for a bipartisan vote on this, I guess we can call it a bill.

It really does not mean anything. But if I understand the chairman of the committee and the sponsors of this bill correctly, we have to have this bill to make certain that the politicians do not spend up the surplus and that we reduce the deficit. We have to let the whole country know that we are here to stop these politicians who cannot control themselves.

Now, I assume that the politicians that we are talking about are Members of Congress, because they are the ones that will be doing the spending, and these are the people that we want to control. And I want to control them, too. It just so happens that the people that have created this declaration of wanting to reduce the deficit are the people who are in charge of the spending. Are my colleagues saying that the majority does not trust itself, and so it has to create some type of a mandate, some proclamation saying that they are going to reduce the deficit by \$25 billion?

Suppose these same politicians that my colleagues and I are trying to control decide that they do not want to do this, and suppose they have the majority? Then it means that what we are doing today is worth absolutely nothing except to send out some political message. And so why would we not join with our colleagues in saying control the politicians, control the spending, reduce the deficit, pay down the Federal debt so that we do not have this burden of interest to carry?

And since we know that our colleagues know that they are in control of the calendar, they are in control of the tax cuts, they are in control of the spending, why would we as the minority not say, for God's sake, put handcuffs on these people, they are completely out of control? So do not ask why we are joining with our colleagues. We have no choice. Our colleagues are telling us that they have no discipline, as the majority party comes to the end of this congressional session, except to attempt to buy themselves out of it.

Well, I have more confidence in my colleagues than they have in themselves. But if they feel that they can bypass the Committee on Ways and Means and bring a leadership proclamation to the floor that says I love America and I would like to reduce this debt, and figure that any Member is going to vote against it, then my colleagues are mistaken.

So let us suspend the rules, let us suspend common sense, let us vote for this proclamation, and get on to legislation to see whether or not we are

really concerned about reducing spending and making certain that we do not just give tax cuts to the rich at the expense of the working poor.

□ 1630

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. FLETCHER) who is the author of the original legislation to set aside this money for debt reduction.

Mr. FLETCHER. Mr. Speaker, I recall a few weeks ago when the minority was talking when we brought up the initial bill to establish this debt reduction account in the Department of Treasury and I remember one thing they said, and that was that if we were serious, then why would we only do it for 1 year?

We are serious. We are doing it for fiscal year 2001. My hope, my belief is that we will continue to do this for the future.

We have a \$3.5 trillion publicly held debt. That is mind boggling. We must continue on this historic path to pay down the publicly held debt. We have an opportunity today to actually appropriate and pay down the publicly held debt by another \$25 billion.

Just a few weeks ago we voted to pay it down by \$16 billion. Today the Congressional Budget Office reported that the sun is shining ever brighter on America, that we have a greater surplus.

We have voted to set aside Social Security with a lockbox. We voted to set aside Medicare with a lockbox. Now we are setting debt reduction as a priority so that at the end of the year, if we are looking at the surplus, we have to decide truly are we going to take this money from this debt reduction account and spend it on more and bigger government, as has been done by the minority for years and years, or are we truly going to remove the shackle of debt from our children, are we going to reduce that debt, the debt that every family in America and every future generation will have to pay.

This will allow us to set our priorities at the end of the year, yes, and to discipline ourselves, as the gentleman said, to make sure that we pay down the debt, that we reduce this mind boggling debt. That is why we must seize this opportunity. It is like my bill that was passed last month. This bill will continue that historical precedent of paying down the debt by appropriating to this account in the Department of Treasury.

It is the moral equivalent of burning a mortgage or cutting up a credit card when it is no longer needed or when it has been paid off. It is removing the shackles of debt from our children. And we owe it to our children and our grandchildren. It is simple. It is common sense and it is the right thing to do.

In Kentucky we sing a song, "the sun shines bright on my old Kentucky home." And let me say, fiscally, the sun is truly shining bright on America; and we need to continue to repair this roof while the sun is shining. Let us continue this work. Let us ensure that America is a land of hope, of prosperity and economic bounty.

Mr. Speaker, I encourage support of House Resolution 4866.

Mr. RANGEL. Mr. Speaker, I only have one remaining speaker so I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER) a distinguished member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise in strong support of the Debt Reduction Reconciliation Act of 2001.

Recently we learned from the Congressional Budget Office that non-Social Security budget surpluses will be nearly \$1.3 trillion more than previously anticipated over the next decade.

Make no mistake, if we do not protect the people's surplus, politicians will find a way to spend it on more government. This legislation protects all the Social Security and Medicare surpluses for fiscal year 2001 while setting aside \$25 billion in additional surplus to pay down the public debt.

We must seize this unique opportunity and not just spend it on bigger government. Simply put, paying down the public debt lessens the burden facing the next generation of Americans.

I urge my colleagues to support this legislation.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York (Mr. RANGEL) toned down his rhetoric momentarily from ridicule to wonderment and to questioning. He wants to know why we are doing this at this point. He thinks it is because maybe we do not trust ourselves.

Well, first and foremost, I would say to the gentleman it is because many of us have been good observers of Congresses over the last 40 years and how we got into that situation and how Congresses and Presidents have this tendency to spend money when it is left on the table. So that is number one is that we are good observers. It does not matter which party it is.

It happens to have been during those 40 years that the Democrats were in control almost all of that time. But the point is that we are good observers. I think experience is a good teacher, and we have learned from those experiences. And that is the first reason.

But the second reason is an issue of priority. It is an issue of choices. Instead of a budget that waits until the end of the year to set a priority, which, as the gentleman from South Carolina (Mr. SPRATT), the ranking member of

the Committee on the Budget pointed out, is exactly the current process, if, and I put that word out there in big letters, if there is money on the table at the end of the year, there is a mechanism to pay down the debt.

The gentleman from South Carolina (Mr. SPRATT) is correct, it is automatically then paid down by Treasury because they have nothing else to do with the money, if there is money left over. The problem is that there has almost never been money left over. And, in fact, there has been money that was needed to be borrowed. That is how we got into the national debt in the first place.

So it is a matter of almost like a family with their budget laying out in front of them deciding that the Visa bill has to be paid first before they look at something new to do, before a new family vacation maybe is taken, before they put on a new addition to their house, before they try something new as a new priority, new spending, new indebtedness of any kind, they say it is a priority to pay down the mortgage, it is a priority to pay down the national debt.

And so, instead of waiting until the end of the year to say if there is money left over, we are saying there is money left over, this is a priority, this is a choice that the Congress is making. And if at the end of the year, the President and the Congress decide to do something different, as the gentleman from New York (Mr. RANGEL) pointed out very correctly, if we decide to do something different, then the American people know that that choice was made.

It was a choice between new spending and Social Security. It was a choice between new spending and Medicare. It was a choice between new spending and debt reduction. It was a choice between tax reduction and debt reduction.

That is a choice that we can go home and explain to our constituents. This is a choice that we can explain to America. This is a choice that is responsible in the area of budgeting. I believe it is those choices that need to be made.

It is for that reason that we come out here with a bill that we believe is important. No, it is not maybe the most important legislation that the gentleman from New York (Mr. RANGEL) has ever seen, but we believe it is an important priority; and it is for that reason that we bring the second bill of debt reduction.

And if in the fall, as the gentleman stated, there is more money, we can bring a third bill for debt reduction.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just ask the gentleman just one question; and that is, can the same Congress that passes this resolution today be the same Congress

to ignore it in September? That is all I am asking.

What we are doing today is just showing good intentions, and that is what it is all about. We could vote for eliminating disease. We could vote against war and for peace. And that is good and I will vote with the gentleman. But I just do not want people to believe that what we are doing today means that we are under any legislative obligation to fulfill what the gentleman is stating.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume to answer the gentleman.

Mr. Speaker, this is a bill. Now, the gentleman has a long and very stellar career in this Congress and I know the gentleman knows full well the difference between a resolution, a proclamation, and a bill. Because a bill can become a law.

That law can be changed, the gentleman is correct, but it is a law and it is a law that must be followed by the Treasury. It is a law that must be followed by the Congress. It is a law that must be followed by the President unless or until that law is changed. And that law can be changed in the fall, the gentleman is correct, but it will be a change of law and a change of priority. It will be the juxtaposition between spending and Social Security.

If they want to spend more money, they can. If the Congress wants to spend more money, it can. Certainly it can raise taxes. It can dip into Social Security. It can decide not to do any debt reduction. But we are deciding today that that choice must be made instead of waiting, as the gentleman from South Carolina (Mr. SPRATT) pointed out, until the very end of the day on the very last legislative opportunity to see if there is any money left over.

We are saying it is a priority. And interestingly enough, not only are the Republican majority joining together today to say it is a priority but last month 419 Members of this Congress, including the very respected gentleman from South Carolina (Mr. SPRATT) and the very respected gentleman from New York (Mr. RANGEL), joined with us in that tact.

Now, I understand that there might be some ridicule on their side because they have never been in a position to reduce debt. We believe it is an important priority. We appreciate the fact that the gentleman joined with us in this regard, and we would hope that they would be slightly more enthusiastic as a look at a possible third debt reduction bill in the fall.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that we all have to be in support of this once the gentleman from Iowa (Mr. NUSSLE) ac-

knowledges that the same Congress that makes the decision today as to what it is going to attribute to reducing the deficit is the same Congress that is going to come back and say what they think is in the national interest.

It defies reason and common sense why the majority party can come to this House and tell the American people and our colleagues that they do not trust their ability to control spending. But, in order to do this, they have to pass a law to prevent them from doing what they say they do not want to do.

We are going to help them all that we can and we are going to help to reduce the Federal debt. We are going to try to stop them from these outlandish tax cuts that they tried to do in the last session and was vetoed.

When that \$792 billion tax cut was vetoed, the majority did not even try to come together and try to override the veto because they never expected that tax cut to pass.

As a matter of fact, I think the good wisdom of the Republicans in this House is that they do not expect any of these tax cuts to become law. They do not even bring them to the floor unless they promise to veto. And they are never discussed, anyway. And so, if they want to call this the Republicans' bill to control itself from excessive spending, why would we not be able to support them in that effort?

□ 1645

You are the majority. You are in charge. You set the agenda. You set the appropriations bills at the spending level. You come in and ask for your tax cuts. And then in the middle of the night you smell a surplus that we never had before in all of the Reagan-Bush years. We never really had a chance under Republican Presidents. Even though we had the majority, we did not know what a surplus was until we got President Clinton and Vice President Gore. So this is new to us. And so it is obviously new to you, as well.

We are enjoying a surplus, but we still have this tremendous, close-to-\$6 trillion national debt, and it has to be reduced and it has to be reduced by discipline. I would suggest, since it is too late in this session, that maybe the first thing that we should do next year is that Republicans and Democrats set aside their party label and start to talk with each other as to what is in the best interests of the people of the United States. Maybe then we will not have Republican bills and Democratic bills saying, Please stop us before we spend some more. Maybe we can have bipartisan bills that will be able to show the American people that we are serious.

And so in an effort to show you my sincerity, I stand here tonight and join with you and say, let us do this. Why?

Because it is the right thing to do. And with it I pray that you in the majority can control your urge to spend unnecessarily and depend on our support.

Mr. Speaker, I yield back the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield myself the balance of my time.

I understand that the minority will try and stop us to reduce the taxes on the American people and to reform those taxes, but we will try and stop you from dipping into the Social Security trust fund yet again, the Medicare trust fund yet again, to add to our debt, to add to our deficits as you did for 40 years. We will and we will succeed.

But there is one factor that you left out and that is the fact that the Congress is not the only one in control. Every eighth grade government student knows that the President has to sign the law. I hope he signs this law; and I hope we reduce the debt for my kids, for your kids and grandkids and for all of America.

Mr. Speaker, I urge a "yes" vote.

Mr. SPEAKER, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE) that the House suspend the rules and pass the bill, H.R. 4866, as amended.

The question was taken.

Mr. NUSSLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1710

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 10 minutes p.m.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4810. An act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4810) "An Act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

**MOTION TO GO TO CONFERENCE  
ON H.R. 4810, MARRIAGE TAX  
PENALTY RELIEF RECONCILI-  
ATION ACT OF 2000**

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 553 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 553**

*Resolved*, That upon receipt of a message from the Senate transmitting any Senate amendments to the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, it shall be in order to consider in the House without intervention of any point of order a motion offered by the chairman of the Committee on Ways and Means or his designee to take from the Speaker's table the bill, with any Senate amendments thereto, to disagree to the Senate amendments, and to request a conference with the Senate thereon or agree to any request of the Senate for a conference thereon. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. House Resolution 550 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking Member, my good friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 553 provides for consideration of a motion to go to conference with the Senate on H.R. 4810, the Marriage Tax Penalty Elimination Reconciliation Act. The motion will be debatable for 1 hour equally divided between the chairman and the ranking minority Member on the Committee on Ways and Means.

As my colleagues will recall, the House passed H.R. 4810 last week by a bipartisan vote of 269 to 159. This vote marked the second time that the House passed this legislation and the fourth time that it has voted to provide marriage tax penalty relief in this 106th Congress.

The will of the House is clear, and it is time that we finish the job and get this bill to the President for his signature. We are almost there. In fact, the Senate just passed its own version of the marriage tax penalty relief act by a bipartisan vote of 60 to 39. This resolution will allow the House to quickly respond to the Senate's actions by going to conference where the two bodies will negotiate a final marriage tax penalty elimination act that we can send to the President, and in doing so, we will give him the chance to make good on the words he spoke during his State of the Union speech.

During that speech, the President told the American people that we can make "vital investments in health care, education, support for working families and still offer tax cuts to help pay for college, for retirement, to care for aging parents and to reduce the marriage penalty. We can do these things without forsaking the path of fiscal discipline that got us to this point."

Mr. Speaker, Congress has helped the President meet his challenge. We have passed legislation to preserve Social Security for future generations, to provide affordable drug coverage to seniors through Medicare, to restore our national defense, to invest in education and to pay down the debt.

We have done all of these things in the context of a balanced budget, and we are still swimming in surplus cash.

□ 1715

Meanwhile, 25 million American couples suffer under the unfair financial burden imposed by the marriage penalty. On average, they pay \$1,400 more in taxes than they would if they were single; skip the whole marriage thing and just live together. What kind of message is that for the government to send? Where is the logic in taxing marriage, one of the most fundamental institutions in our entire society?

Mr. Speaker, \$1,400 is real money to American families. Families can use this income to pay for health care, invest in a child's education or plan for their retirement. Sound familiar? These are all the things the President says that government should finance before it provides tax relief.

Well, why do we not just cut out the middleman, the government, and let the American people make the decisions about what their needs are and where their money should be spent? Let us stop crippling them financially so they have to lean on the crutch of government.

Eliminating the marriage penalty will help these families, especially the middle class and minorities, whom the marriage penalty hits the very hardest.

Mr. Speaker, the good news is that the Republicans and many Democrats in Washington actually agree that the marriage penalty is bad policy. If we in

Congress can agree that the marriage tax should be abolished then there is no reason to delay any longer in reversing this inequity in the Tax Code. That is why the House Republican leadership is moving quickly to get this bill to conference and to the President so that he can sign it.

Today, with the passage of this resolution, we have the opportunity to show that we can come together in a bipartisan way to achieve something for the American people that will make a real difference in their lives. We can end this tax that robs hundreds, if not thousands, of dollars from some 25 million families each year, and let them keep their money to spend as they see fit on their priorities.

Mr. Speaker, there is no reason why at this time of peace and prosperity and budget surpluses that we cannot provide this tax equity and relief. It is time to end the delays, the excuses and the political trade-offs. It is time to get the job done.

I hope my colleagues will join me today in moving this issue forward and I hope the President will be true to his word and take the opportunity to sign this legislation when we put it on his desk. I urge a yes vote on the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the time.

Mr. Speaker, the issue of changing the marriage tax is a very important one, but thus far my Republican colleagues have turned it into a political prop. Millions of Americans pay taxes in the higher income bracket after they get married than they did when they were single, but Democrats believe we should do something to alleviate that tax burden, especially on working families with children who are struggling to pay their bills, who are struggling to educate these children, and to keep them safe.

So far, my Republican colleagues have charted out a series of bills that do a lot more to help the rich get richer than they do help working families get shoes on their kids. Meanwhile, my Republican colleagues have rejected Democratic bills that would actually help middle-income working families by increasing the standard deduction for married couples until it is twice that of a single person. Our bills would also change the alternative minimum tax so that all promised taxes would actually take effect. That way working families would get the help they need rather than a lot of posturing just before a convention.

Mr. Speaker, I think this bill would be better named the Philadelphia Story, because it is a lot more about the Republican Convention in Philadelphia than it is about helping working

American people, and this is a part of the pattern. Almost a year ago my Republican colleagues tried to enact a trillion dollar package of tax cuts, primarily for the rich, that would have endangered Social Security and do just about nothing for the everyday Americans.

Now they are foisting that package on us once again, Mr. Speaker, and this time it is in increments; but if one reassembles it, if one puts it all together, the result is the same.

According to the Citizens for Tax Justice, the Republican plan gives the richest 1 percent of Americans an average of a tax cut of \$23,119. Meanwhile, it gives families with incomes of \$30,000 only \$131. That does not sound like equity to me, Mr. Speaker.

I think it is time my Republican colleagues stop writing bills to make the rich richer and started writing bills to help everyone else. This conference is a great place to start.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. WELLER), my distinguished colleague, a gentleman who has put so much time and effort in this Marriage Penalty Relief Act, a gentleman who has brought two people and made them household names to the American public, Shad and Michelle, and we will hear about them now.

Mr. WELLER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE), my good friend, and the gentleman from Massachusetts (Mr. MOAKLEY), for the opportunity to address this House.

Mr. Speaker, I rise in strong support of eliminating the marriage tax penalty. I rise in strong support of the House and Senate going to conference and sending to the President this week legislation that wipes out what I consider to be the most unfair tax of all.

We have often asked from the well of the House a pretty simple, basic question. That is, is it right, is it fair that under our Tax Code 25 million married working couples pay higher taxes just because they are married? Is it right, is it fair, that 25 million married working couples pay on average \$1,400 in higher taxes just because they are married? And today, the only way to avoid that marriage tax penalty when both the man and the women that are in the workforce is either not get married or get divorced.

It is wrong that under our Tax Code one pays higher taxes just because they are married.

I was so proud of this House just this past week when we passed and sent to the Senate legislation which wiped out the American tax penalty for 25 million couples. This afternoon, the Senate by a vote of 61 to 38, an overwhelming vote, including Democrats joining with Republicans, voted to eliminate the

marriage tax penalty. Of course, the bills are a little bit different. We have to work out the differences. The bottom line is we want to eliminate the marriage tax penalty.

Let me give an example of a couple from the district that I represent in the south side of Chicago in the south suburbs who suffer the marriage tax penalty. This is Michelle and Shad Hallihan. They are two public school teachers. They live just outside Joliet, Illinois. Shad teaches at Joliet High School. Michelle teaches at Manhattan Junior High. They suffer about \$1,000 in marriage tax penalty. Their combined income is about \$62,000. They are homeowners, and I would point out that since we introduced the bill to eliminate the marriage tax penalty a year and a half ago Shad and Michelle have since had a little baby. If the Democrats have their way, this child will probably be out of college before we eliminate the marriage tax penalty because there is always an excuse not to do it today.

The bottom line is, for Michelle and Shad Hallihan and for their new little baby Ben, \$1,400, the average marriage tax penalty, is real money. In the Joliet area, \$1,400 is 3 months of day care at a local child care center for little Ben. \$1,400 is 3,000 diapers for little Ben. \$1,400 is one year's tuition at a community college called Joliet Junior College in Joliet, Illinois. It is a washer and dryer for their home.

Our legislation that passed the House of Representatives will help people like Michelle and Shad Hallihan. The Democrats talk about their alternative. It would leave Michelle and Shad Hallihan out. They would still be stuck with the marriage tax penalty.

Under our legislation, which passed the House of Representatives with the vote of every Republican and also 48 Democrats who broke with their leadership to support the elimination of the marriage tax penalty, we helped couples, two public school teachers like Shad and Michelle Hallihan.

As I pointed out earlier, Shad and Michelle are homeowners. They also have a baby and, of course, they give money to church and charity. So that means they itemize their taxes. Under our proposal, we double the standard deduction to twice that for single people, under our proposal. That helps those who do not itemize, but if we are going to help people like Michelle and Shad Hallihan, we have to help itemizers. That means we need to widen the tax bracket so in the 15 percent bracket two joint filers, a couple with two incomes, have to be able to earn twice as much as what a single person can earn in that tax bracket.

Under our proposal, in the 15 percent tax bracket, we widen it so that two-earner households can earn twice as much. That will help Shad and Michelle Hallihan.

I would point out that the proposal that the gentleman from Massachusetts (Mr. MOAKLEY) talked about would not help those who itemize. And think about it. Most middle-class families who itemize their taxes itemize because they own a home or they give money to church and charity.

We as Members of Congress can all think of our neighbors back home, middle-class working families who pursue the American dream; they buy a home and because of their mortgage interest costs and because of their property taxes, they itemize their taxes.

The Democrats say if one itemizes their taxes, they are rich so they should continue to suffer the marriage tax penalty.

Now, Michelle and Shad make \$62,000 a year. Back in the south suburbs of Chicago, that is kind of a middle-class working family. Under the Democrat definition of rich, they are rich making \$62,000 a year.

Mr. Speaker, our goal is to make the Tax Code more fair. When I am in the south side of Chicago at a steel workers hall in the Tenth Ward or a legion post in Joliet or at a local iron workers hall in La Salle or a Chamber of Commerce function or coffee shop, people tell me their taxes are too high but they also point out that the Tax Code is unfair. That is why we should help people like Michelle and Shad Hallihan. Let us eliminate the marriage tax penalty. Let us go to conference.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the strong bipartisan votes for marriage tax penalty relief in both bodies demonstrate the will of Congress and the people that we represent. It is time to see if the President will join us by enacting this legislation. It is time to do the right thing. I urge a yes vote on this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ARCHER. Pursuant to House Resolution 553, I move to take from the Speaker's table the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, with a Senate amendment thereto, disagree to the Senate amendment, and agree to a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 553, the gentleman from Texas (Mr. ARCHER) and the gentleman from Maryland (Mr. CARDIN) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is not a great deal to say about this. This is a customary motion to go to conference with the Senate. I understand that the minority has a motion to instruct which is debatable for 1 hour.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we did debate this issue when the bill was before us and the chairman is correct, we do have a motion to instruct that we would like to offer at the appropriate time.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 553, the previous question is ordered.

The question is the motion offered by the gentleman from Texas (Mr. ARCHER).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to instruct conferees on the bill H.R. 4810.

The Clerk read as follows:

Mr. CARDIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4810 be instructed, to the maximum extent permitted within the scope of conference—

(1) to maximize the amount of marriage penalty relief provided to middle and low income taxpayers,

(2) to minimize the additional marriage bonuses provided to taxpayers already receiving marriage bonuses under current law, and

(3) to resolve the differences in effective dates and phase-in amounts in a way which takes into account fiscal responsibility.

The SPEAKER pro tempore. Under clause 7(b) of rule XXII, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Texas (Mr. ARCHER) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

□ 1730

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct makes it very clear that the conferees should try to resolve the differences between the two bodies so that the maximum amount of relief goes to those who need the relief, those that are of low- and middle income, rather than going to the higher income taxpayers.

Secondly, it points out what we believe to be a major problem with the legislation that was passed by this body, and that is the legislation that was passed by this body cost about \$180 billion, of which about 50 percent of that relief went to individuals who ac-

tually had a marriage bonus; that is, their taxes were actually less as a result of them being married. They were able to take advantage of lower rates because the husband and wife filed a joint return. That happens frequently, where one of the spouses has the majority of the income.

What we are suggesting to the conferees is that we agree that we should try to deal with those that have the penalty; therefore, we should minimize the amount of tax relief that goes to those who are already receiving a bonus. Let us put the relief to those that are actually paying the penalty rather than putting the relief to those who are already getting a bonus for being married.

Lastly, we would point out that we have to resolve the effective dates and phase-in amounts in a way that takes into account fiscal responsibility. I would hope that all of us would agree that that is one of the issues that we would hope our conferees would resolve.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct that has been presented by the minority I am sure is taken in good faith, but I would say to the minority that it is the responsibility of our conferees to defend the House bill. When we go into conference with the Senate, that is what it is about, and we will measure up to our responsibility to defend the House bill.

The motion to instruct goes beyond that. It is primarily general in its content; it will bring about nothing in the conference, but it will attempt to prevent us from being able to accelerate the day when the marriage penalty relief will take effect, which many of us would like to consider. We believe that having to wait a full 6 years before it is fully vested is perhaps too long a period of time, and we may well want to consider accelerating that relief. But if this motion to instruct were binding, which it is not, it would prevent us from doing that. I cannot embrace it because I would be embracing something that would, on paper, at least, appear to limit our ability to do what is in the best interests of the people in this conference.

So I must reluctantly oppose this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just point out what the motion to instruct says. In regards to the effective dates and phase-in amounts, we suggest that it be done in a fiscally responsible way. I do not know why any Member of this body would oppose the conference committee acting in a fiscally responsible

way. That is part of our responsibility here.

However, the main point of the motion to instruct, the main point is, yes, we want to help those people who are being penalized because they are married. Because they have a basically equivalent or similar income, they are paying a higher tax rate than they would if they were two individuals. Approximately half of our married couples are affected by the marriage penalty; about 50 percent fall into that category.

The problem is that the legislation that passed this body provides an equal amount of relief to every person who is married, regardless of whether they are in the penalty position or the bonus position. So the motion to instruct simply says to the conferees, target the relief to those that are penalized by their marital status. Use the tax relief in the most cost-effective way.

Mr. Speaker, I would hope that this body would agree with this motion to instruct. If we are able to do that, then I think we can have a strong bipartisan vote and get a bill not only that will come out of conference and will pass this body and the other body, but will also be signed by the President. It is for those reasons that this motion to instruct is offered.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

I would simply explain to the Members that this motion to instruct is actually an oxymoron, because on the one hand it says, within the scope of conference, limit the marriage bonus; and yet there is no difference between the Senate and the House bill in that regard. It is not possible for us to change what they call the marriage bonus.

But I happen to be unabashedly proud that within this legislation, in both the Senate and the House bill, and within the scope of conference it cannot be changed, a provision that helps stay-at-home moms and dads. They need economic help and relief as they rear their children. I do not walk away from that. That is a very positive part of both the Senate bill and the House bill, which the minority would like to undo and take away.

So this cannot be changed in conference within the scope of conference, and the minority understands that. I do not know why they put that the way they did in this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out that the other body gave a more generous provision in regards to the bonuses; and, therefore, it is within the scope of the conference.

But, Mr. Speaker, I think the key point here, and what we are trying to



do by this motion to instruct, is target the relief to those who pay the penalty and to try to work out a bill that could be signed into law that will provide relief to our taxpayers.

Mr. Speaker, I am prepared to yield back my time; however, I do not know whether the gentleman from Texas has any other speakers or not.

Mr. ARCHER. Mr. Speaker, I would say to the gentleman from Maryland that I would be prepared to yield back as well; however, I have a very strong request from the gentleman from Illinois (Mr. WELLER), who has been a big sponsor of this legislation to be able to speak, so I hope the gentleman from Maryland would indulge us in that regard.

Mr. CARDIN. Mr. Speaker, I was going to yield time for closing to the gentleman from Illinois from our side; but instead, I will reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield up to 5 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, let me just briefly address my friend from Maryland's motion to instruct. He talks about our legislation as to whether or not it should be fiscally responsible. It is fiscally responsible. We use that surplus tax revenue and use that to bring fairness to the Tax Code.

He says that we should delay implementation of the marriage tax relief, and I believe that would hurt those low-income and moderate-income and middle-income families that we want to help, so we do not want to delay that. So I am concerned about that idea.

Then he also talks about those who do not suffer the marriage tax penalty, whether or not they should receive any relief. The chairman pointed out the stay-at-home moms, people like my sister, Pat, who took a few years out of the workforce to be home with her children, so she could be home with the kids before they were old enough to go to school. I admire people who do that, and we do not mind helping them.

I would also point out in the Democrat alternative that the House voted down just this past week, they provided a similar proportion of relief to those who do not suffer the marriage tax penalty. So I would point out their proposal did the same thing.

Last, they talk about low- and moderate-income families. The bottom line is, their proposal would not help low- and moderate-income families who happen to be homeowners. We believe if you are a homeowner and itemize your taxes, you should receive relief as well.

Mr. Speaker, I have often come to the floor of this House, along with many of my colleagues, and asked a very basic and fundamental question, and that is, is it right, is it fair, that under our Tax Code a married working couple, a husband and wife with two in-

comes, pay higher taxes under our Tax Code just because they are married; higher taxes than an identical working couple who choose not to marry, who choose to live together outside of marriage, who actually save money by not participating in marriage. I think it is wrong that 25 million married working couples, on average, pay \$1,400 more in higher taxes just because they are married.

I have with me a photo of Shad and Michelle Hallihan. They are two public school teachers from Joliet, Illinois. They suffer the marriage tax penalty. Their income is about \$62,000 a year, their salary as teachers. Shad is at Joliet High School, and Michelle is at Manhattan Junior High. They are at similar incomes, but if they chose to stay single and just live together, they would save about \$1,000 in taxes; but they chose to get married. Under our Tax Code, they pay higher taxes.

I would point out that under our legislation, the only way we can eliminate that \$1,000 marriage tax penalty for Shad and Michelle Hallihan of the Joliet area is if we help those who itemize their taxes, because Michelle and Shad Hallihan, of course they have a little baby, Ben, who is in his first year, but they also happen to be homeowners. Like most middle-class families who itemize their taxes, they are homeowners. Because their combined property taxes and mortgage interest are more than the standard deduction, they itemize.

Mr. Speaker, the only way we can help those who happen to be homeowners, those who give to their institutions of faith and charity, marriage tax relief, is if we widen the tax bracket.

Under our legislation, we double the standard deduction for those who do not itemize, wiping out the marriage tax penalty for, I think, about 9 million couples.

But in order to help all 25 million married working couples who suffer the marriage tax penalty, we have to help those who itemize as well. Under our legislation, we widen the 15 percent tax bracket so people like Michelle and Shad Hallihan can earn twice as much and stay in the 15 percent tax bracket, the lowest bracket. Under our legislation, we wipe out the marriage tax penalty for people like Michelle and Shad Hallihan who make about \$62,000 a year.

Think about it: \$1,400, the average marriage tax penalty, that is a washer and a dryer. In Joliet, Illinois, for people like them, that is 3 months of day care for little Ben at a local day care center; it is a year's tuition at Joliet Junior College if Shad and Michelle would like to go back to school.

The bottom line is, in this Congress, we want to help our schools, we want to strengthen Medicare and Social Security, we want to pay down the national debt, and we are making tremen-

dous progress on that agenda; but we also want to make the Tax Code more fair, so that if a husband and wife choose to get married and choose to both be in the workforce, they do not pay higher taxes.

Our legislation accomplishes that goal, and we have come so far in this campaign to eliminate the marriage tax penalty over the last several years. We have an opportunity, with a strong bipartisan vote, and I would point out that the legislation we passed out of the House this past week was supported by every House Republican, and I was pleased to say that 48 Democrats broke with their leadership and joined to make it a strong bipartisan vote to eliminate the marriage tax penalty. That was a great accomplishment for this House, that Democrats and Republicans came together.

My hope is that by the end of this week when we send to the President legislation that wipes out the marriage tax penalty for 25 million married working couples, that the President will join with us. I hope we can make it a bipartisan effort. I urge a bipartisan "yes" vote.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Maryland for his leadership, and I thank the chairman for his leadership, along with the ranking member, on the issues that really bear on both our investment in this Nation and a return of the American public's investment in the Federal Government back to them.

It saddens me to come to the floor of the House to have to argue against some of the very attractive pictures of young families with children, and that is not the direction that any of us are going. My district is a district that is enormously diverse and really has a large number of young families buying new homes and raising their children. I am very proud of the 18th Congressional District and some of the prosperity that we have gained and some of the opportunities for young families to get their first home.

□ 1745

So I do not believe that any of us who believe that the present marriage penalty tax format is misdirected can be accused of not working to support the needs of young families and those married couples who work so hard for what they have.

But I just came from a hearing, I say to the gentleman from Maryland (Mr. CARDIN), from discussing the issues of mental health resources for special needs children. We were actually in a meeting trying to find out how we could get more resources from this Federal Government, with the budget

caps that we have, with the appropriations fight we are in, and trying to share the few dollars that we have, and trying to help those children with special needs, those broken minds where those parents are struggling to get the resources.

We could not find them. We determined that community health centers, mental health centers, they are only in about 30 cities in our country, and we were struggling, what do we do with a parent who comes and says, I have two suicidal children, not one but two?

That is why this motion to instruct conferees is the right kind of compromise. I resent accusations that those of us who want to seek an opportunity to maximize the amount of marriage penalty relief provided to middle- and low-income families are against giving relief to married couples, or those of us who say that this effort that is being proposed by Republicans is too costly.

We do not have enough money for Medicare and social security, we do not have enough money to be able to provide, and when I say we do not have enough money, we are not pushing the Medicare benefit for prescription drugs, which would allow senior citizens to be able to get prescription drugs. We cannot do all of that and be able to provide for those very needy families and middle-income families.

So this motion to instruct to minimize the additional marriage bonuses, to minimize the additional marriage bonuses provided to taxpayers already receiving marriage bonuses under current law, it makes a lot of sense.

We have to balance the resources of the Federal government, and who in the world wants to again see the tragedies of a Columbine because some youngster is struggling with a mental health need which we did not see? Who wants to have children who are not immunized in this Nation? Who wants to go into communities where in fact those young married couples cannot even get affordable housing because they are priced out of the market?

The \$800 or the \$200 that they are getting out of the proposal that really goes to high-income married couples, to the greater degree, and has a huge result at the end in terms of how much it is going to cost us, is not the answer.

So I am supporting this motion to instruct conferees that can resolve the difference in effective dates and phase-in amounts in a way that takes into account fiscal responsibility. Yes, we should give marriage tax penalty relief. I want to do that. But I want to balance it, that the relief goes to low-income and middle-income, and I want those families who come to me and say, my children need special services in their schools, they need a mental health counselor, a school counselor, a nurse, they need not be like Kip Kinkel, who killed his parents; who,

when was in his classroom in Seattle, was crying out. He was using profane words, and rather than getting him mental health services or special needs services, he was sent to the principal for using bad language. I understand that, because there was no resources that he could access. What a tragedy. School violence is built up a lot around the turmoil of our children.

So I would hope that we take this opportunity not to accuse those of us who support this motion to instruct conferees as being against giving the marriage tax penalty relief. I believe this is the right direction to go.

Mr. ARCHER. I have no further requests for time, and I yield back the balance of my time, Mr. Speaker.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just point out what this motion to recommit does. It is very simple. One, it says maximize relief to low- and middle-income people. It does not say 100 percent, exclusive, it says to maximize.

Second, it says minimize the relief to those achieving a bonus. It does not say zero or no relief, it says give the relief to those who had the penalty.

Third, it says be fiscally responsible.

Mr. Speaker, there is a chance for us to work in a bipartisan way. I would urge my colleagues to accept this motion to instruct so the conferees can work in a bipartisan way, bring a bill out that can pass this body and the other body and be signed by the President.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. CARDIN).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. CARDIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, following this 15-minute vote on the motion to instruct, proceedings will resume on H.R. 4866, a motion to suspend on which the yeas and nays are ordered, as a 5-minute vote.

We will have a 17-minute vote on the motion to instruct, followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 203, nays 222, not voting 9, as follows:

[Roll No. 408]

#### YEAS—203

Abercrombie	Hall (TX)	Obey
Ackerman	Hastings (FL)	Olver
Allen	Hill (IN)	Ortiz
Andrews	Hilliard	Owens
Baca	Hinchey	Pallone
Baird	Hinojosa	Pascarell
Baldacci	Hoeffel	Pastor
Baldwin	Holden	Payne
Barrett (WI)	Holt	Pelosi
Becerra	Hooley	Peterson (MN)
Bentsen	Hoyer	Phelps
Berkley	Jackson (IL)	Pickett
Berman	Jackson-Lee	Pomeroy
Berry	(TX)	Rahall
Bishop	Jefferson	Rice (NC)
Blagojevich	John	Rangel
Blumenauer	Johnson, E. B.	Reyes
Bonior	Jones (OH)	Rivers
Borski	Kanjorski	Rodriguez
Boucher	Kaptur	Roemer
Boyd	Kennedy	Rothman
Brady (PA)	Kildee	Roybal-Allard
Brown (FL)	Kilpatrick	Rush
Capps	Kind (WI)	Sabo
Capuano	Klecza	Sanchez
Cardin	Klink	Sanders
Carson	Kucinich	Sandlin
Clay	LaFalce	Sawyer
Clayton	Lampson	Schakowsky
Clement	Lantos	Scott
Clyburn	Larson	Serrano
Condit	Lee	Sherman
Conyers	Levin	Shows
Costello	Lewis (GA)	Siskis
Coyne	Lipinski	Skelton
Cramer	Lofgren	Slaughter
Crowley	Lowey	Snyder
Cummings	Lucas (KY)	Spratt
Davis (FL)	Luther	Stabenow
Davis (IL)	Maloney (CT)	Stark
DeFazio	Maloney (NY)	Stenholm
DeGette	Markey	Strickland
Delahunt	Mascara	Stupak
DeLauro	Matsui	Tanner
Deutsch	McCarthy (MO)	Tauscher
Dicks	McCarthy (NY)	Taylor (MS)
Dingell	McDermott	Thompson (CA)
Dixon	McGovern	Thompson (MS)
Doggett	McIntyre	Thurman
Dooley	McKinney	Tierney
Doyle	McNulty	Towns
Edwards	Meehan	Turner
Engel	Meek (FL)	Udall (CO)
Eshoo	Meeks (NY)	Udall (NM)
Etheridge	Menendez	Velazquez
Evans	Millender	Visclosky
Farr	McDonald	Waters
Fattah	Miller, George	Watt (NC)
Filner	Minge	Waxman
Ford	Mink	Weiner
Frank (MA)	Moakley	Wexler
Frost	Mollohan	Weygand
Gejdenson	Moore	Wilson
Gephardt	Moran (VA)	Wise
Gonzalez	Murtha	Woolsey
Gordon	Nadler	Wu
Green (TX)	Napolitano	Wynn
Gutierrez	Neal	
Hall (OH)	Oberstar	

#### NAYS—222

Aderholt	Bonilla	Cooksey
Archer	Bono	Cox
Armey	Brady (TX)	Crane
Bachus	Bryant	Cubin
Baker	Burr	Cunningham
Ballenger	Burton	Danner
Barcia	Buyer	Davis (VA)
Barr	Callahan	Deal
Barrett (NE)	Calvert	DeLay
Bartlett	Camp	DeMint
Barton	Canady	Diaz-Balart
Bass	Cannon	Dickey
Bateman	Castle	Doolittle
Bereuter	Chabot	Dreier
Biggert	Chambliss	Duncan
Bilbray	Chenoweth-Hage	Dunn
Bilirakis	Coble	Ehlers
Bliley	Coburn	Ehrlich
Blunt	Collins	Emerson
Boehlert	Combest	English
Boehner	Cook	Everett

Ewing	Kuykendall	Royce
Fletcher	LaHood	Ryan (WI)
Foley	Largent	Ryun (KS)
Forbes	Latham	Salmon
Fossella	LaTourette	Sanford
Fowler	Lazio	Saxton
Franks (NJ)	Leach	Scarborough
Frelinghuysen	Lewis (CA)	Schaffer
Gallegly	Lewis (KY)	Sensenbrenner
Ganske	Linder	Sessions
Gekas	LoBiondo	Shadegg
Gibbons	Lucas (OK)	Shaw
Gilchrest	Manzullo	Shays
Gillmor	Martinez	Sherwood
Gilman	McCrery	Shimkus
Goode	McHugh	Shuster
Goodlatte	McInnis	Simpson
Goodling	McKeon	Skeen
Goss	Metcalf	Smith (MI)
Graham	Mica	Smith (NJ)
Granger	Miller (FL)	Smith (TX)
Green (WI)	Miller, Gary	Souder
Greenwood	Moran (KS)	Spence
Gutknecht	Morella	Stearns
Hansen	Myrick	Stump
Hastings (WA)	Nethercutt	Sununu
Hayes	Ney	Sweeney
Hayworth	Northup	Talent
Hefley	Norwood	Tancredo
Herger	Nussle	Tauzin
Hill (MT)	Ose	Taylor (NC)
Hilleary	Oxley	Terry
Hobson	Packard	Thomas
Hoekstra	Paul	Thornberry
Hostettler	Pease	Thune
Houghton	Peterson (PA)	Tiahrt
Hulshof	Petri	Toomey
Hunter	Pickering	Trafficant
Hutchinson	Pitts	Upton
Hyde	Pombo	Vitter
Inlee	Portman	Walden
Isakson	Pryce (OH)	Walsh
Istook	Quinn	Wamp
Jenkins	Radanovich	Watkins
Johnson (CT)	Ramstad	Watts (OK)
Johnson, Sam	Regula	Weldon (FL)
Jones (NC)	Reynolds	Weldon (PA)
Kasich	Riley	Weller
Kelly	Rogan	Whitfield
King (NY)	Rogers	Wicker
Kingston	Rohrabacher	Wolf
Knollenberg	Ros-Lehtinen	Young (AK)
Kolbe	Roukema	Young (FL)

## NOT VOTING—9

Boswell	Horn	Porter
Brown (OH)	McCollum	Smith (WA)
Campbell	McIntosh	Vento

□ 1812

Messrs. EWING, BONILLA, TANCREDO and GOODLATTE changed their vote from “yea” to “nay”.

Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. RUSH and Mrs. MCCARTHY of New York changed their vote from “nay” to “yea”.

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees:

Messrs. ARCHER, ARMEY and RANGEL.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the motion to suspend the rules.

## DEBT RELIEF RECONCILIATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4866, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE) that the House suspend the rules and pass the bill, H.R. 4866, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 11, as follows:

[Roll No. 409]

YEAS—422

Abercrombie	Collins	Gillmor
Ackerman	Combest	Gilman
Aderholt	Condit	Gonzalez
Allen	Conyers	Goode
Andrews	Cook	Goodlatte
Archer	Cooksey	Goodling
Armey	Costello	Goss
Baca	Cox	Graham
Bachus	Coyne	Granger
Baird	Cramer	Green (TX)
Baker	Crane	Green (WI)
Baldacci	Crowley	Greenwood
Baldwin	Cubin	Gutierrez
Ballenger	Cummings	Gutknecht
Barcia	Cunningham	Hall (OH)
Barr	Danner	Hall (TX)
Barrett (NE)	Davis (FL)	Hansen
Barrett (WI)	Davis (IL)	Hastings (FL)
Bartlett	Davis (VA)	Hastings (WA)
Deal	DeFazio	Hayes
Bass	DeGette	Hayworth
Bateman	Delahunt	Hefley
Becerra	DeLauro	Herger
Bentsen	DeLay	Hill (IN)
Bereuter	DeMint	Hill (MT)
Berkley	Deutsch	Hilleary
Berman	Diaz-Balart	Hilliard
Berry	Dickey	Hinches
Biggert	Dicks	Hinojosa
Bilbray	Dingell	Hobson
Bilirakis	Dixon	Hoefl
Bishop	Doggett	Hoekstra
Blagojevich	Dooley	Holden
Bliley	Doolittle	Holt
Blumenauer	Doyle	Hooley
Blunt	Dreier	Hostettler
Boehert	Duncan	Houghton
Boehner	Dunn	Hoyer
Bonilla	Edwards	Hulshof
Bonior	Ehlers	Hulshof
Bono	Ehrlich	Hunter
Borski	Emerson	Hutchinson
Boucher	Engel	Hyde
Boyd	English	Inlee
Brady (PA)	Eshoo	Isakson
Brady (TX)	Eshoo	Istook
Brown (FL)	Etheridge	Jackson (IL)
Bryant	Evans	Jackson-Lee
Burr	Everett	(TX)
Burton	Ewing	Jefferson
Buyer	Farr	Jenkins
Callahan	Fattah	John
Calvert	Filner	Johnson (CT)
Camp	Fletcher	Johnson, E. B.
Canady	Foley	Johnson, Sam
Cannon	Forbes	Jones (NC)
Capps	Ford	Jones (OH)
Capuano	Fossella	Kanjorski
Cardin	Fowler	Kaptur
Carson	Frank (MA)	Kasich
Castle	Franks (NJ)	Kelly
Chabot	Frelinghuysen	Kennedy
Chambliss	Frost	Kildee
Chenoweth-Hage	Gallegly	Kilpatrick
Clay	Ganske	Kind (WI)
Clayton	Gejdenson	King (NY)
Clement	Gekas	Kingston
Clyburn	Gephardt	Klecza
Coble	Gibbons	Klink
Coburn	Gilchrest	Knollenberg
		Kolbe

Kucinich	Ortiz	Sisisky
Kuykendall	Ose	Skeen
LaFalce	Owens	Skelton
LaHood	Oxley	Slaughter
Lampson	Packard	Smith (MI)
Lantos	Pallone	Smith (NJ)
Largent	Pascarell	Smith (TX)
Larson	Pastor	Snyder
Latham	Paul	Souder
LaTourette	Payne	Spence
Lazio	Pease	Spratt
Leach	Pelosi	Stabenow
Lee	Peterson (MN)	Stark
Levin	Peterson (PA)	Stearns
Lewis (CA)	Petri	Stenholm
Lewis (GA)	Phelps	Strickland
Lewis (KY)	Pickering	Stump
Linder	Pickett	Stupak
Lipinski	Pitts	Sununu
LoBiondo	Pombo	Sweeney
Lofgren	Pomeroy	Talent
Lowey	Porter	Tancredo
Lucas (KY)	Portman	Tanner
Lucas (OK)	Price (NC)	Tauscher
Luther	Pryce (OH)	Tauzin
Maloney (CT)	Quinn	Taylor (MS)
Maloney (NY)	Radanovich	Taylor (NC)
Manzullo	Rahall	Terry
Markey	Ramstad	Thomas
Martinez	Rangel	Thompson (CA)
Mascara	Regula	Thompson (MS)
Matsui	Reyes	Thornberry
McCarthy (MO)	Reynolds	Thune
McCarthy (NY)	Riley	Thurman
McCrery	Rivers	Tiahrt
McGovern	Rodriguez	Tierney
McHugh	Roemer	Toomey
McInnis	Rogan	Towns
McIntyre	Rogers	Trafficant
McKeon	Rohrabacher	Turner
McKinney	Ros-Lehtinen	Udall (CO)
McNulty	Rothman	Udall (NM)
Meehan	Roukema	Upton
Meek (FL)	Roybal-Allard	Velazquez
Meeks (NY)	Royce	Visclosky
Menendez	Rush	Vitter
Metcalf	Ryan (WI)	Walden
Mica	Ryun (KS)	Walsh
Millender-McDonald	Sabo	Walsh
Miller (FL)	Salmon	Wamp
Miller, Gary	Sanchez	Waters
Miller, George	Sanders	Watkins
Minge	Sandlin	Watt (NC)
Mink	Sanford	Watts (OK)
Moakley	Sawyer	Waxman
Mollohan	Saxton	Weiner
Moore	Scarborough	Weldon (FL)
Moran (KS)	Schaffer	Weldon (PA)
Moran (VA)	Schakowsky	Weller
Morella	Scott	Wexler
Myrick	Sensenbrenner	Weygand
Napolitano	Serrano	Whitfield
Neal	Sessions	Wicker
Nethercutt	Shadegg	Wilson
Ney	Shaw	Wise
Northup	Shays	Wolf
Norwood	Sherman	Woolsey
Nussle	Sherwood	Wu
Oberstar	Shimkus	Wynn
Obey	Shows	Young (AK)
Oliver	Shuster	Young (FL)
	Simpson	

NAYS—1

Nadler

NOT VOTING—11

Boswell	Horn	Murtha
Brown (OH)	McCollum	Smith (WA)
Campbell	McDermott	Vento
Gordon	McIntosh	

□ 1821

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I was unavoidably detained on official business and was unable to vote. I would have voted in favor of the motion to instruct conferees on H.R. 4810 (rollcall No. 408). I would have voted in favor of H.R. 4866 (rollcall No. 409).

## PERSONAL EXPLANATION

Mr. BOSWELL. Mr. Speaker, because of illness in the family, I was necessarily absent on the following votes and had I been present I would have voted in the following manner: Rollcall No. 405—NAY on H.J. Res. 103; Rollcall No. 406—YEA on H.R. 3113; Rollcall No. 407—YEA on H.R. 4517; Rollcall No. 408—YEA on Motion to Instruct Conferees on H.R. 4810; and Rollcall No. 409—YEA on H.R. 4866.

PERIODIC REPORT ON NATIONAL  
EMERGENCY WITH RESPECT TO  
TALIBAN IN AFGHANISTAN—  
MESSAGE FROM THE PRESIDENT  
OF THE UNITED STATES (H. DOC.  
NO. 106-268)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Taliban (Afghanistan) that was declared in Executive Order 13129 of July 4, 1999.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, July 17, 2000.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CORPS OF ENGINEERS REFORM  
ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, today, I, along with the gentleman from Oregon (Mr. BLUMENAUER) and the gentlewoman from Wisconsin (Ms. BALDWIN), introduced the Corps of Engineers Reform Act of 2000.

The purpose of this legislation is to reform the project review and authorization procedures at the U.S. Army

Corps of Engineers and let the sun shine in through greater civilian oversight of Corps projects. Through this legislation we hope to persuade our fellow Members of Congress to act this session to clarify the mission of the U.S. Army Corps of Engineers and to restore the public's severely eroded trust in the Corps.

The Corps of Engineers is the primary Federal agency responsible for construction and maintenance of our Nation's water resources infrastructure. The Corps' civil works mission is large and vital, with projects in the areas of flood protection, navigation, irrigation, hydropower and recreation. In recent years, the Corps has assumed a more significant role in the areas of environmental protection and restoration.

Despite its historic reputation for professionalism and integrity, the Corps is at present an embattled agency. Over the past 6 months, the Corps has come under intense fire because of alleged improprieties in connection with its multiyear, \$50 million Upper Mississippi River-Illinois waterway system navigation study. Earlier this year, Congress also learned of efforts by top Corps officials to increase the Corps' civil works budget from its current level of \$4 billion a year to over \$6 billion by 2005.

Reports about the Corps' attempts to push through projects that lack a sound economic justification or that contain inadequate environmental provisions point to the breakdowns in the Corps' process for planning and approving water resources projects. This bill attempts to fix that problem, and with these reforms to lift the cloud of distrust and suspicion that currently hangs over the Corps of Engineers.

Last year, the National Research Council of the National Academy of Sciences published a report entitled *New Directions in Water Resources Planning for the U.S. Army Corps of Engineers*. This study was the product of 2 years of careful input and analysis by leading economists, engineers, environmental scientists, and water resource planners, including former high-level Corps of Engineers officials. The bill we introduced today builds on many of the key recommendations contained in the study.

Specifically, it clarifies congressional intent with respect to the Corps' broad mission in water resources planning. The bill states that, and I quote, "It is the intent of Congress that economic development and the environmental protection and restoration be coequal goals of water resources planning and development."

The bill creates new advisory and review procedures through the establishment of an environmental advisory board, an independent review panel, and a stakeholder advisory group.

The legislation also calls for the ongoing monitoring of the economic and

environmental results of all Corps projects exceeding \$25 million. The purpose of this monitoring program is to establish the baseline data needed to evaluate current and future Corps projects and to ensure that all Corps projects meet high standards of fiscal responsibility.

Finally, the bill seeks to ensure that environmental damages caused by projects are fully mitigated. Under this legislation, the Corps would also be required to mitigate damages to wildlife on a one-to-one basis.

The overarching purpose of this legislation, Mr. Speaker, is to restore trust and confidence in the Army Corps of Engineers and to enable the Corps to get on with its important work on our Nation's rivers, lakes, coastlines and harbors. The best way to achieve this goal is to increase the level of transparency, and through transparency create greater accountability in the Corps' planning process, and to establish guidelines that strike a genuine balance between economic development and other social and environmental priorities.

In closing, I would urge my colleagues on the House Committee on Transportation and Infrastructure to work to build significant reforms into this year's reauthorization of the Water Resources and Development Act. I would like to thank the efforts of key environmental and taxpayer groups, such as American Rivers and Taxpayers for Common Sense for their support and interest in Corps reform.

Finally, I would invite other interested groups and citizens across the Nation to join in this effort to bring fiscal responsibility and environmental accountability to the Corps of Engineers.

TRIBUTE TO COAST GUARD  
AUXILIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the men and women of the first southern district of the United States Coast Guard Auxiliary.

□ 1830

This all-volunteer Auxiliary played a major role in the recent July 4th festivities in the New York Harbor, which was celebrated during the International Naval Review and Military Salute Week.

These selfless civilian volunteers, many of whom live in my district, provided a safe boating atmosphere for the more than 30,000 boats that occupied New York Harbor for the festivities.

Out of the 193 Coast Guard vessels in New York Harbor, 65 are from the First Southern District of the Auxiliary.

These volunteers, well over 500 strong, worked hard to maintain security zones and to provide direct assistance and support to the Coast Guard.

Because of the dedication of these individuals and active Coast Guard members, no problems or catastrophes occurred during this incredibly busy time in New York Harbor.

In fact, the dedication of the members of the First Southern freed active Coast Guard personnel to perform necessary life-saving search-and-rescues during Military Salute Week.

These volunteers were a critical part of an Independence Day celebration that I am sure will always be remembered by New Yorkers.

I salute my constituents and all of the men and women of the First Southern District and the active Coast Guard for a job well done.

#### REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations. For fiscal year 2000, the allocation established by H. Con. Res. 290, as adjusted, is increased to reflect \$1,779,000,000 in additional new budget authority and \$0 in additional outlays. This will change the fiscal year 2000 allocation to the House Committee on Appropriations to \$588,253,000,000 in budget authority and \$614,029,000,000 in outlays. Budgetary aggregates will increase to \$1,484,852,000,000 in budget authority and \$1,455,479,000,000 in outlays.

Outlays from that additional budget authority occur in fiscal year 2001. The allocation for the House Committee on Appropriations printed in House Report 106-729 is therefore increased to reflect \$1,273,000,000 in additional outlays. This will establish a fiscal year 2001 allocation to the House Committee on Appropriations of \$601,208,000,000 in budget authority and \$632,312,000,000 in outlays. Budgetary aggregates become \$1,529,413,000,000 in budget authority and \$1,501,533,000,000 in outlays.

As reported to the House, House Report 106-754, the conference report to accompany the bill making fiscal year 2001 appropriations for the Department of Defense, includes \$1,779,000,000 in fiscal year 2000 budget authority for emergencies. Outlays flowing from that budget authority are \$41,273,000,000 in fiscal year 2001.

Questions may be directed to Dan Kowalski or Jim Bates at 67270.

#### IN HONOR OF FOUR AFRICAN-AMERICAN WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise this evening to honor and celebrate four African-American women.

I would like to begin with the memoir for Jean Ford Clayton. Jean Ford Clayton, a retired Cleveland police detective, died on July 8 at her home in University Heights, Ohio. Mrs. Clayton was an exemplary police officer who is credited with leveling the playing field for other female detectives with their male counterparts.

In 1972, women who joined the police force were automatically assigned to the Women's Bureau and limited to handling cases involving neglected and abused children, juvenile delinquency and rape.

Mrs. Clayton challenged this policy by filing charges of sex discrimination against the Cleveland Police Department with the Equal Employment Opportunity Commission.

As a result of Mrs. Clayton's lawsuit, the doors of opportunity were opened to all female police officers in roles traditionally reserved for men. Her tenacity and perseverance helped to change the face of law enforcement locally and nationally.

After retiring from the Cleveland Police Department, Mrs. Clayton continued her community involvement by working with juveniles and as a chief investigator for the Cleveland Job Corps Center.

In addition to her second career, Mrs. Clayton worked for 22 years as a counselor with the National Football League's Youth Development Camp.

She is survived by her husband of 54 years, Eddie Clayton, two daughters, one son, and 16 grandchildren. Her son is deceased, and she is survived by 16 grandchildren.

On a personal note, I would like to say it was through the support of Jean Clayton that I was able to serve well as both a judge and a prosecutor in Cuyahoga County, Ohio.

The second woman I would like to honor is living. Her name is Bishop Vashti McKenzie.

After 213 years, the African Methodist Episcopal Church has finally selected a woman for the position of Bishop, Rev. Dr. Vashti McKenzie was elected Bishop at the A.M.E. General Conference in Cincinnati on July 11, 2000.

She is a pastor of the 1,700 member Payne Memorial A.M.E. Church in Baltimore. Dr. McKenzie is an Ordained Itinerant Elder in African Methodist Episcopal Church and the Pastor of Payne Memorial A.M.E. Church in Baltimore City.

The 101-year-old historic congregation has tripled in membership since her arrival. Under her leadership, there are 15 new ministries designed to enhance, enrich, inspire and meet critical needs of the community.

She is the wife of Stan McKenzie, former star in the National Basketball Association; and they have three children, Jon-Mikael, Vashti-Jasmine, and Joi-Marie.

In the November 1993 issue of Ebony Magazine, she was selected for the Honor Roll of Great African-American Preachers. She was selected after a poll of national, civic, social, religious and academic leaders. Her "Ministry of Equality and Hope" was featured in 1999 in Ebony Magazine. She is characterized as an electrifying speaker in an issue of Jet; is a graduate of the University of Maryland, College Park; holds a Master of Divinity Degree from Howard University. She earned a Doctor of Ministry Degree from United Theological Seminary in Dayton, Ohio.

She is a member of several service organizations. One of them, Delta Sigma Theta Sorority is my sorority. She is the granddaughter and namesake of one of the founders of Delta Sigma Theta, the late Vashti Turley Murphy. She serves as the spiritual leader of more than 175,000 college-trained women as the national chaplain. She has traveled considerably and continues to do so across the United States.

As one of the newest bishops in the A.M.E. Church, Bishop McKenzie will be presiding over the 18th Episcopal District, which includes portions of Southern Africa.

The last two young women that I would like to celebrate today, Mr. Speaker, are Serina and Venus Williams, the winners of Wimbledon, Venus as the singles winner and Serina and Venus as the doubles winner.

What better role models could we have for young women throughout this country than to see these two fantastic young women who have been successful in the tennis arena?

I am very proud to be able to stand today, Mr. Speaker, to celebrate four strong African-American women.

#### IN HONOR OF OFFICER JOHN KELLY, STATEN ISLAND POLICE DEPARTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, John Kelly was a young man, 31 years old, who grew up in the Oakwood section of Staten Island, attended high school there, was a parishioner at Lady Star of the Sea in Huguenot, had a wonderful wife, also a police officer with the New York City Police Department.

John, after graduating, fulfilled his desire like so many of his family members, his brothers Thomas, James and Daniel, as well as other family members, to go become a New York City police officer.

He did that for 8½ years. He had two beautiful children, a 2-year-old and a 9-

month-old. He had his whole life ahead of him, until yesterday. This decorated New York City police officer was killed while he was doing his job protecting the people of New York City and specifically the people of Staten Island.

He is the third police officer to die in the last 3 years in Staten Island alone, adding to the list of hundreds of others who have given their life for their country and for the community.

So now a 2-year-old and a 9-month-old grow up without a father. Patricia, with our prayers, along with her family, will live on.

John's mother, Margaret, as well as his brothers Michael, Robert and Patrick, hopefully will find some comfort and solace from the other people of our community knowing that Officer John Kelly, a decorated officer with four commendations during his career, who went above and beyond the call of duty for the people he loved so much, the community he loved so much, as well as for the job he took so much pride in performing day in and day out. His partners and everyone who worked with him on Staten Island have nothing but praise for him.

I just thought it was appropriate that from time to time while others, like cats on mice, jump to disparage what good police officers do throughout our Nation, that we understand and pause for just a moment to remember that people like John Kelly, just 31 years old, gave his life for the very reason that he took the oath to be a New York City police officer.

So if anything comes out of this, I just would hope that the people of this Nation remember the Kelly family in their prayers. We wish, on behalf of the people of Staten Island, that they find some comfort in knowing that John Kelly died a hero.

#### NUCLEAR FUEL RELIABILITY ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise this evening to inform the House that I am introducing a major piece of legislation which would make it possible for this Government to once again assume the ownership of the nuclear fuel production industry in this country. The act is entitled the Nuclear Fuel Reliability Act of 2000.

Why is this legislation necessary? I think it is important for this House to understand that approximately 2 years ago actions were taken that for the first time privatized the industry which is responsible for enriching uranium in this country.

What that means, in practical terms, is that the industry that is responsible for producing approximately 20 percent of all of the electricity that is gen-

erated in this country has been placed in private hands.

Now, that may not be so bad if the company that became the owner of this industry had acted responsibly and had kept faith with this Government once privatization had occurred.

One of the obligations placed upon the private company was to operate the two enrichment plants which exist in this country today, one in Paducah, Kentucky, and one in Piketon, Ohio, to operate those plants through the year 2004. Recently, the company has made the decision to close the Piketon, Ohio, plant in June of next year.

Who has benefited from privatization, Mr. Speaker? I think the only ones who have benefited from privatization are those select few individuals who oversaw the privatization process and have enriched themselves. And I am speaking specifically of the CEO of that private corporation, Mr. Nick Timbers.

As I have said before, as a Government employee, his salary was approximately \$350,000, which is a respectable income. He was given permission to oversee privatization, to make recommendations, to advocate; and he did those things and he did so in a way that enriched himself.

As the CEO of the now private corporation, his salary is somewhere in the vicinity of \$2.48 million; and he has a golden parachute of \$3.6 million.

What has been the result? Who has benefited other than Mr. Timbers and a select few of Wall Streeters? Well, I will tell my colleagues who has not benefited. Have the investors benefited? Absolutely not.

At the point of privatization, the stock of the company was worth approximately \$14.50 a share. It is now hovering around \$4 a share. So the investors have not benefited.

Has the Government benefited? Absolutely not. We find ourselves, as a government, facing a situation where we may become dependent on foreign sources for up to 23 percent of all of the electricity that is generated in this country.

Have the communities where these plants are located benefited? Absolutely not. My community is being absolutely annihilated as workers who have spent 25 and 30 years of their lives working in the service of this country are being summarily discharged and dismissed.

I am terribly troubled by the actions of this corporation. I am terribly troubled as a result of the process that led to privatization. I think it was a process that was corrupted, it was a process that enabled individuals to benefit themselves, to enrich themselves personally at great expense to the well-being of this Nation and to our local communities and to the investors.

□ 1845

That is why I have asked for an investigation of these matters. That is

why I look forward this fall to the Commerce Committee's hearings into these matters, because I think they will bring many things to light that the American people need and deserve to know.

And so as I introduce my bill this evening, it is my hope that multiple Members of this House will see fit to join me in supporting this legislation. It is the right thing to do for our country.

#### VICTIM OF "DRIVE-BY" POLITICS

The SPEAKER pro tempore (Mr. BRADY of Texas). Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, earlier today I was talking to a gentleman from Common Cause. I had called him in regard to a statement that they sent out asking all Congressmen to sign the statement. One of the points on the statement that they were asking us to sign on to was a commitment to vote for any ban on soft money, banning all soft money going to political organizations coming from corporations, coming from unions, coming from wealthy individuals.

We got to talking about this. I had called them and asked them to give me their thoughts on this because, of course, this kind of thing happens often, the kind of thing that they are trying to deal with; and they explained that for a long time there had been a relatively effective ban on the kind of money coming into politics that has a corrupting influence. They use the words "corrupting influence." It started with the Teddy Roosevelt era. But that interestingly in 1992, the Clinton campaign found a way around it and found a way that they could use soft money in the creation of ads attacking their opponents but doing so sort of in a way that separated them from the ad itself. They could set up these dummy little organizations and run ads that were not part of the campaign, and they could use soft money to fund it. So all of a sudden they found this loophole. Now everybody is doing it, essentially. Once they found out how to do it, both parties use it and certainly many, many organizations use it.

Members know the kind of ad that I am talking about. Many people have seen these ads run, where the group comes on, they usually have some name you have never heard of and they will say something like, gee whiz, isn't it horrible that certain Congressmen would do X, Y or Z. Why don't you call them and ask them why they did such a terrible thing.

Now, Common Cause says that this kind of thing has a corrupting influence on the system, and that is why they would like to try to stop it. They want to try to stop these thinly veiled



partisan attacks called issue ads if they could. At least they want to stop the funding that goes into them. They say, as I said, that there is a corrupting influence on the system as a result of it.

I would like to give Members a real-life experience that will point out how corrupt organizations can, in fact, help corrupt the system by making Americans even more cynical. I refer back to a situation that occurred on the floor of this House during the debate on the VA-HUD appropriations act.

There was an amendment to that act offered by the gentleman from New York (Mr. HINCHEY). The amendment struck certain language in the original bill, actually committee language. The committee language was not mandatory. The committee language simply was urging EPA to do or not do two things, two or three things. It had no force beyond just saying we urge the EPA. It did not take any money away from the EPA if they did it. It was a sense of the committee that they should not do whatever they were planning on doing.

In this case they were saying, please don't force water companies throughout the United States to go through the expense of trying to find a standard, a purer standard for water, especially with the elimination of arsenic from the water, until you set the standard. Tell us what the standard will be. Then of course these companies can try to meet it. But if you do not set the standard right away, you will have companies spending all the money getting to a certain point, and that point might not be the one that you eventually determine to be correct. So set the standard. And, by the way, you are suggesting that the standard be 5 parts per billion, EPA, and that makes absolutely no sense; there is no scientific evidence to support that that is the kind of standard we should have, so please look at that.

It also said, by the way, we should not dredge the Hudson River, as you are planning on doing, because when you dredge, the committee said, you stir up the sediments and in fact you put a lot of carcinogenic material into the water supply. So we strongly urge you not to do that.

That was the committee language. The amendment that came to this floor struck that. It would have essentially said, go ahead to the EPA, set the standard at 5, or at least wait as long as you want to do it and go ahead and dredge. So a vote against that amendment was a vote essentially, especially when you talk about sediments, it was certainly a vote for clean water.

I think, by the way, 216 Members of this House voted against the amendment and prevailed. They were in the majority. I was one that voted against the amendment. Shortly thereafter, the Sierra Club began to run ads in my

district against me, essentially saying that I was for dirty water. This is the kind of corrupting influence, saying something like that which is, by the way, libelous. It is not just wrong, it is libelous. But they did it, and this is the kind of thing that Common Cause is talking about, and this is the kind of thing that should be stopped.

#### QUESTIONS REGARDING REPUBLICAN TAX BILLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. EDWARDS) is recognized for 60 minutes as the designee of the minority leader.

Mr. EDWARDS. Mr. Speaker, one of the most important issues facing Congress this year is how we should address the use of the surplus, the projected surplus this year and in the years ahead. The purpose of tonight's special order is to address three questions regarding the Republican tax bills proposed as a response to the projected or possible surplus.

The first question we want to address is, are the Republican tax bills fiscally responsible? The second question we want to address is, are the Republican tax cuts proposed in the House this year fair to average working families? The third question we want to address is, what major national priorities if any do the proposed and House-passed Republican tax cuts crowd out, other high national priorities?

Mr. Speaker, let me say that over the last several months, I have heard a lot of speeches about values. It is good that we discuss values. Values are an important part of who we are as an American Nation and as American individuals and families. But I would suggest that as Members of the House, how we vote on the question of spending the people's money says more about our values as Members of Congress than all the political speeches in the world.

Let us go back to the first question we want to address this evening. Are the Republican tax bills fiscally responsible? I would suggest the answer to that question is no. First, let us look at the cost of those tax cuts that have passed the House. Because of the strategy of divvying up the pieces of the pie, a lot of Americans and Members of Congress have not really put together those pieces to figure out what the true total cost is of just the tax cuts proposed and passed in the House this very year alone. The answer to that question is those total \$573 billion over 10 years.

Now, Mr. Speaker, if we include the additional interest cost as a result of those tax cuts, the House has already passed a series of tax cuts that almost total the total amount of the massive tax cut passed in the House last year

that the American people rejected overwhelmingly as being irresponsible at a time when Americans felt we should pay down the national debt.

Let me make several key points about the question of fiscal responsibility. Some say that we ought to pass these massive tax cuts because this is the people's money and they have earned it, they are paying it, they should get it back. I would agree with that point. There is some credence to that point except for one clear, undebatable fact, the fact that we have a \$5.6 trillion national debt. That is not just some sort of vague number that most of us cannot relate to because, in fact, the average family in America pays about \$1,000 per man, woman and child in interest payments on that national debt. That interest payment, paid for by our taxes, does not educate one college student, it does not help train one Army soldier, it just is paying off the interest on past national debt.

So I would suggest it is fiscally irresponsible most clearly to pass these massive tax cuts based on projected future possible surpluses because we ought to be paying down the \$5.6 trillion national debt that is soaking away money from taxpayers and other high national priorities.

The second point about fiscal responsibility I want to make is this: all of these projections, including the most recent Congressional Budget Office projections, are just that. They are projections. I often hear from my colleagues, and I think it is good advice, we ought to run the government like a business. We do not often do that. I would suggest that if a business in any district in this country were to say, we project our revenues and profits over the next 10 years to be an extra couple of trillion dollars, and therefore we ought to go out and spend money right and left, give our stockholders dividends, give massive salary increases to our employees and our executives based on nothing more than hopeful projections for 10 years, I would suggest that company would be bankrupt very, very quickly. Clearly, a business cannot go out and say, These are our projected revenues for 10 years; therefore, let's spend all that money, either in new spending programs or in the tax cuts proposed and passed in the House by our Republican colleagues.

I would like to ask whether there is any Member of this House that would be willing to bet his or her net worth on any economist's projection for the next 10 years. What we have learned is that the projections over the last 10 months have been off to the tune of possibly trillions of dollars; and to invest, to bet, to gamble our children and grandchildren's future that economists' projections of Federal tax revenues over the next 10 years are going to be exactly correct is just that, it is a

gamble and it is an unfair gamble at the risk of our children and grandchildren's future.

Mrs. THURMAN. Will the gentleman yield?

Mr. EDWARDS. I am glad to yield to the gentlewoman from Florida who has been a real leader on the Committee on Ways and Means in discussing the tax issue this year in Congress.

Mrs. THURMAN. Focusing in on just that issue here for a moment, and I hate to break your steam here because you are doing a great job.

Mr. EDWARDS. I appreciate the gentlewoman's involvement.

Mrs. THURMAN. We have also offered on this floor similarly to what we offered and was passed on the CARA bill, which was the conservation issue, that nothing would be spent until we could and made sure that Social Security and Medicare were preserved. And any one of the other instructions that we have offered since that on every issue except for the tax issues, we cannot get that guarantee. Based on this assumption that there will be a surplus, there could be a surplus, there might be a surplus, and yes, it looks good for the country but we are still working off of assumptions, it would seem to me that the pressure should be put on Republicans to make sure that in fact we do guard against those issues that we all feel are very important and, that is, Medicare and Social Security. When those have been offered, they have been turned down, particularly on the tax issue. I do not understand that.

Mr. EDWARDS. Certainly no business would be able to make that kind of hopeful projection and say we will commit our company's resources for the next 10 years to a massive extent of expenditures or extra dividends to stockholders based on perhaps a very optimistic assumption, in fact what I think is an unrealistic assumption in this case, about the Nation's economy over the next 10 years.

But I think the gentlewoman is correct. I do not recall one bill coming out of the Committee on Ways and Means on which she serves that has come to the floor that has said, now, these tax cuts are contingent upon every assumption in these grandiose 10-year projections coming true. The fact is the way they have passed these, we could have, for example, an economic crisis, we could have a military crisis throughout the world that could dampen a 10-year projection of a 2.7 percent increase over the next 10 years in our economy, projecting no recession for a longer period of time than has ever occurred in this country without a recession. They do not have any qualifiers saying, we will qualify those tax cuts based on what happens to the economy.

□ 1900

To me, that is the kind of thinking that got us in the 1980s into what is today a \$5.6 trillion national debt.

Mrs. THURMAN. If the gentleman would yield, not looking at what potential emergencies we could hit in this country. We have continued to pass over the last couple of years emergency spending, which continues to kind of eat into some of these surpluses as we know them.

Mr. Speaker, we do not know what emergencies might be ahead of us, and we are not making any provisions for the kind of rainy day that could potentially happen in this country.

Mr. EDWARDS. In fact, to comment on that, I thought one of the shortfallings of the Republican tax bill last year, that the American people so overwhelmingly rejected, was that it assumed there would be no national emergency over 10 years.

I cannot recall in a 10-year period where we have gone without having a tornado, without having a drought for our farmers and ranchers. In fact, within days before the ink was dry on passing that legislation through the House, the very same people who said there would not be emergencies for 10 years, voted in favor of expending, I think, \$10 billion to \$15 billion, perhaps more in emergency spending just for that one year. And yet their assumption assumed there would be no emergency spending over 10 years.

Mrs. THURMAN. That is correct.

Mr. EDWARDS. I think what we are saying is this is an economic sand castle built on a foundation of sand; and it would be much more prudent in business and in government to be very cautious, whether it is new spending programs or whether it is tax reductions, to not commit that expenditure of dollars up front, not knowing whether 10 years of projections would be true.

I would like to ask the Member, the gentlewoman from Florida (Mrs. THURMAN), if the gentlewoman recalls any major national economist predicting that oil prices were going to double over the last several months.

Mrs. THURMAN. No. No. And therein itself is a perfect issue as it comes to the defense issue, because now we are wondering how we are going to continue to keep things rolling and not have some kind of an emergency on funding because of the gas price issue that we are dealing with.

Mr. Greenspan and others have been before our committee several times over the last couple of years and never once was it mentioned that we potentially would have the prices of gas go up as they have. Hopefully, they are coming down; but, in fact, they have gone up. No, it is a serious problem.

Mr. EDWARDS. I think, Mr. Speaker, our point is that we live in an uncertain world. We are not here to belittle economists and their role in our society; but we are here to say that it is truly unrealistic, and it is frankly disingenuous to suggest to the American people that these economic projections are absolutely going to be correct.

Again, I would like to see which Member of this House, of either party, would be willing to bet his or her family's net worth on the assumption that these 10-year projections will be within 1 percent or even 10 percent or 20 percent correct, and I came here in January of 1991. I know that not even the best predictions of our military intelligence community could have predicted a few years earlier that Saddam Hussein would invade the country of Kuwait. So the point is we live in an uncertain world, and to pass certain massive tax cuts based on an uncertain world with inexact, inexact science of economic 10-year projections really is a prescription for returning to the old politics of the 1980s for which our children and grandchildren will have to pay a very significant price.

Mrs. THURMAN. Mr. Speaker, if the gentleman will continue to yield, one of the things that does concern me in all of this, too, is the way that somewhat it has been crafted. It is very easy to go home and say we are only going to spend \$55 billion on the marriage tax penalty, and they think that is reasonable. Quite frankly, it sounds reasonable.

But then when we start looking at the 10-year projections; we are talking about \$248 billion. And the exact same thing happens with estate tax or death tax. It starts off with a moderately low number, and I can go home and I can say well, you know, this is only going to cost us \$28 billion over the next 5 years, but in the 10-year costs, it is \$105 billion; and that is when it goes into full effect. And then it can be as high as \$750 billion, which is by all accounts the surplus. That gives us nothing for Medicare, nothing for shoring up Social Security, nothing for debt reduction, and many of the assumptions that we make to make this country continue to move ahead as it has been is to buy down the debt so we can get rid of the interest payments so that we have dollars available to us.

Mr. Speaker, I say to the gentleman from Texas (Mr. EDWARDS) some say we might look a little conspicuous up there that we might be against tax relief to the American people. In 1997 we had a wonderful bipartisan, huge fight, we had big fights on the floor, and I do not even know that it got sent to the President, I think it got worked out before it went to the President; but the fact of the matter is we all voted. And my guess is that the gentleman voted for it, too; we did a reduction in capital gains.

We gave student interest loans. We did the mortgage interest so that anybody that had a home every 2 years would have no capital gains for a \$250,000 to a \$500,000 home. I do not have a lot of those in my district, but we said, look, we need to give back some of this. We need to make sure, but the difference was we also gave

through the earned income tax credit a little bump, and we did some things that spread the cost of these tax cuts to not only the wealthy, but to the middle and to the poor.

If we are going to be fiscally responsible, and we have asked people since the 1980s to help us dig ourselves out of this, the very least we could be doing is giving back to the entire population and, in these cases, is not limited.

Mr. EDWARDS. In fact, I hope we can speak in just a few moments about the question of are the proposed Republican tax cuts in the House this year fair to average working families; and maybe I can conclude on the first question that we want to address tonight, and perhaps the gentleman from North Dakota (Mr. POMEROY) would want to respond and discuss also the issue of the fiscal responsibility of this as well as get us into the question of are the Republican tax cuts fair to average working families or not.

I want to conclude by saying this: the 1997 tax reconciliation bill not only had tax cuts that benefited a wide range of American families of all income levels, but it also had spending cuts. Many of those tax cuts were paid for. I have not seen pay-fors for the Republican tax cuts that have passed the House this year. The pay-fors are a hope and a wish, a hope and a wish that some economist who we do not know his or her projection is going to be correct for the next 10 years. If they are wrong, our grandchildren, our children are going to pay a dear price.

Mrs. THURMAN. Is it not true that one of the ways that we have dug ourselves out of this debt so we do have or at least get to have a conversation about surpluses and debt reduction is because of the rules of the House as pay-as-we-go, both on spending and on tax limitations? I mean, it is a pay-as-we-go; and to the public that means that if we decide we are going to do something, just kind of like in your own family, if we are going to buy that car for your child who is going to go off to college, then over here we have to limit what we are buying over here, so that we can pay for it.

I mean, that is how I have always understood it. And, of course, I was not here when all the pay-fors and as-fors came into contact, but it certainly has been something that when we are doing fiscal responsibility that if we really believe that that is how we got in the position of being able to even talk about tax reduction that we did it through fiscal responsibility.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I want to participate in this discussion and commend both my colleagues for basically stepping back and looking in a broader context at what has been tak-

ing place here on the floor week in and week out. It really is a time to see if we cannot really see the forest for the trees, because I think that we are right in the middle of accumulating a record that is horribly irresponsible at a time of such wonderful opportunity for the American people.

We have through dint of fiscal discipline in Congress, and the wonderful innovation and hard work and productivity of the American people, worked ourselves out of deficits that were threatening the future of this country. We now stand with surpluses running and projected in dollar amounts never seen before. We have the opportunity at this point in our Nation's history to eliminate debt held by the public.

I guess if there is one thing that any family would want to pass to its children is better opportunities than they found them. I know that was certainly my parents' burning commitment to us as children. By golly, I feel the same thing about my little ones. How about collectively we do that for the next generation to follow and leave this country with no debt held by the public? As we move into retirement, all of these baby boomers, we do not entirely know what is going to happen, but we do know if the country does not have any debt we are in a darn sight better position to deal with whatever may come than we can carry on those trillions.

Mr. EDWARDS. If I can respond, I know the gentleman from North Dakota (Mr. POMEROY) has small children. I have a 3-year-old and a 4-year-old, both sons. I can think of a few things that I would like to pass along to them as one Member of this House and to say to their generation, we are going to take a Nation that was \$5 trillion to \$6 trillion of national debt and pass on to your generation a debt-free country.

When we talk about tax cuts today, it does not take a lot of courage to take our grandchildren's credit card and with that credit card charge multi-trillion dollar-tax cuts, most of which will go to the wealthiest families in America.

I have a problem with the child or grandchild of an average working family having to take their credit card from their generation to give Bill Gates a tax cut, as has passed the House this year. I think that is unfair.

Going back to the comments of the gentlewoman from Florida (Mrs. THURMAN) minute ago, it is the pay-for philosophy and rules of the Congress that have gotten out of this terrible hole where we are mortgaging our children's futures of the 1980s before we came to the House.

It is the free-lunch bunch mentality of tax cuts do not cost anybody anything and let us not offset tax cuts with spending cuts. It is that free-lunch bunch mentality that got us in trouble in the 1980s. Just as we are

climbing out of that horrible hole, what a horrible mistake for our children and grandchildren it would be to take that free-lunch mentality and go back and add up the national debt, rather than pay off the national debt.

Mr. POMEROY. Mr. Speaker, if the gentleman would yield, one thing that surprises me about all of this is the American people have evaluated the proposition of a gargantuan tax cut going primarily to the wealthiest families and crowding out other priorities. They rejected it. One year ago, just before heading off on that August recess, we voted on this \$700 billion-plus tax cut advanced by the majority.

We were told they were going to go home and sell this to the American people. And when the President vetoed it, the first thing we would do in September is override that veto, and those who had voted against that tax cut would be bludgeoned into supporting it by their outraged constituents because it was going to be so popular. Guess what?

The American people took a look at it. They said that is irresponsible. It is not fair. It is not the time, and it does not reflect our priorities as a country. Forget about it. And that bill, the only one I can remember every vetoed was not brought back for even an override. In the 4 terms I served in Congress, I cannot remember an instance where they did not at least even try, but this thing did not work.

Mr. Speaker, 1 year later, what is the majority doing? It is pretty crass really, taking it in bites, the whole package was rejected. So we will pass it chapter at a time as a stand-alone bill. How dumb do they think the American people are? I will tell my colleagues something. I do not think they are dumb at all.

I think they are the same responsible folks that rejected that gargantuan, irresponsible proposal of a year ago, and they will this time when they see it in its full context.

Many of us might have had the situation of resisting the temptation of a large piece of cake then nibbling our way through the pan as the afternoon goes on. The effect is the same.

Mr. EDWARDS. Mr. Speaker, I have also learned, speaking of cake with a 3-year-old and a 4-year-old at home, that if we give them the ice cream first, they are very unlikely to eat the vegetables and the meat.

If we pass in effect a trillion dollar tax cut this year, we are not going to see the House having the courage to pass a trillion dollars in spending cuts to match that. So what we are going to do is we are going to decrease their ability to pay down the national debt.

Let me point out when we do that, we are really increasing taxpayers interests on the national debt. So I guess in conclusion to our first question tonight, the Republican tax cut proposals

that have passed the House so far this year, are they fiscally responsible? I think the answer is no.

They are based on uncertain, perhaps terribly false assumptions about where the economy in the world will be over the next 10 years. They ignore the fact that we already have a \$5.6 trillion national debt.

Let me clarify. Nobody on this floor tonight is suggesting tax increases. We just want to make our top priority paying down the national debt, which is probably the best way to get a permanent tax cut to the gentlewoman who sits on the Ways and Means Committee. The best way to give a permanent tax cut to the American people is to pay off the national debt.

□ 1915

That would free up \$200 billion a year. Now, to put that in perspective, that \$200 billion could be passed as a major tax cut, a permanent tax cut. It could fund two-thirds of our national security needs in America, over two-thirds, in fact, of our military budget. College loans could be provided for students all across this country; grants. All sorts of things could be done, including permanent tax cuts with that.

So I think it is very clear to me, when we look at the facts, that Republican tax proposals this year are fiscally irresponsible and perhaps that should take us to the second question. That is, if we are going to have tax cuts, whatever level they might be, a trillion dollars or a billion dollars, should they not be fair to average working families? I think that would be a good discussion to have, and I would just start it by making one point and then yield to my colleagues.

I did a little research on the 1999 tax bill that passed the House, that ultimately the American people rejected so clearly that our Republican colleagues did not even try to bring it up for a veto override after they listened to the American people and their constituents in August. I did a little research and I found out that a working family at the lower end of the income scale, compared to the richest 1 percent of families in America, would have to have been born 32 years before the signing of the Declaration of Independence to enjoy the same tax benefits over all those 200-plus years that the wealthiest 1 percent of families got in year one.

Now, even with the miracles of modern medicine, I do not think the average working family is going to live that long, the point being that the tax cuts were skewed to help the wealthiest families in America. I think the proposals this year reflect unfairness.

I yield to the gentleman from North Dakota (Mr. POMEROY) to talk about the distribution of the Republican tax cuts and then to the gentlewoman from Florida (Mrs. THURMAN) who is a mem-

ber of the Committee on Ways and Means that handles these tax measures.

Mr. POMEROY. Mr. Speaker, I think the gentleman's question really cuts to the heart of it because, after all, we are for tax cuts in the context of a plan that gets the debt eliminated, deals responsibly with the other needs and priorities we have, but as we approach that tax cut we want it to be one that reflects the broad cross-section of this country, not just to go to the most affluent, perhaps the financial base of the majority party but not the rank and file of all of our districts.

The fact of the matter is is most people in this country do not make \$100,000 a year. In fact, on average, the bottom 60 percent income levels earn less than \$39,000. I think that this chart here, prepared by the Citizens for Tax Justice, lays it out pretty clearly. Here is the stake of the plans passed so far and in the pipeline by the majority of the bottom 60 percent. The bottom 60 get 8.9 percent. Now, the next 35 percent, those from \$39,000 to \$130,000, get a third of the package, leaving almost two-thirds for the top five percent.

Why should two-thirds of the taxes go to the top 5 percent of the people in this country?

Tax cuts ought to go to those who most need them, and obviously the top 5 percent income levels in this country are not those that have the toughest time with the family pocketbook issues, affordable health care, saving for retirement, getting the children to college. So why would we want to pass almost two-thirds of the tax cuts and send it to them? I think there are folks that need it more and they ought to have the high priority.

A Committee on Ways and Means analysis of the tax cuts passed so far by the Committee on Ways and Means shows that about half, the lowest half in terms of wage earners, would get on average about 100 bucks a year; whereas, the top 20 percent would get 76 percent of the benefit or more than \$2,000 a year if one figures on equal dimension.

The top 10 percent gets 60 percent. The top 5 percent nearly half, as reflected, and the top 1 percent 27 percent.

Now, those are different slightly, depending upon which tax bills were figured into the measurement, but one thing is precisely consistent, regardless of the tax measure the majority has advanced. It is skewed to the most affluent in this country.

Now, believe me, the most affluent in this country play critical roles in making our economy run, building our businesses. We honor their participation in our economy but that does not mean they have the hardest time with the fundamentals of making a go of it as a family, and, therefore, should not be first in line to soak up most of the

tax relief we pass. Let us get the tax relief to our middle income families who are having the toughest go of it, and I think those are the distribution issues that are so troubling about the construction of this tax plan. It is a huge tax cut plan that forgets about eliminating the debt and other priorities we have as a country, and then they do not even distribute it fairly. Far from the middle class getting the benefit, this thing is skewed to the wealthiest people in the land and they are not the ones most in need of this kind of tax relief.

Mr. EDWARDS. Mr. Speaker, I would like to yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, this number has escaped me. How many people do we have or how many families do we have in this country? Does anybody know? About?

Mr. EDWARDS. Three hundred million total population; about 270 million or so citizens.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield then, I found this very interesting. Working off the numbers of the gentleman from North Dakota (Mr. POMEROY), and I love this guy because he is so good at numbers, I mean he just knows this stuff, but one of the numbers that stuck with me was that if one thinks about the 270 million people, that top 1 percent that we have talked about or top even 5 percent is only about, ready, 1.2 million families; 1.2 million, out of 270 million or say even out of half of that being 135 million people. Right? They get the 27.5 percent of the total tax.

The bottom 20 percent, which gets about 8.9 percent or whatever, is 22.4 million families. So one can just see, we can talk real numbers here with real people about what is happening; but I have to say, the number that got me, the number that absolute blew me away when we were doing the markup on the estate tax and all of us, and including in the Democratic substitute, were willing to raise those thresholds to \$2 million or \$4 million, somewhere around there, because just like we find out these numbers we also know how many people would actually be the beneficiaries of the estate tax, this blew me away.

Fully implemented, if we took the numbers today of how many people would be included, now remember this was between \$500 billion to \$700 billion, not million but billion, almost the surplus numbers, ready, and the gentleman from North Dakota (Mr. POMEROY) may have a city in his State that is only this big, 43,000 people, and that is it, get to share \$500 billion; 43,000.

If we do not have that money when the time rolls around, talk about that credit card, who do they think they are going to get to make up that money? Do they think they will go back to those 43,000 people to make up that \$500

billion to \$700 billion? I do not think so, and that just puts more burden on us.

Is not that an outrageous number? I mean, I do not know, but if the gentleman from North Dakota (Mr. POMEROY) would help me here, how many of those people are even in the State of North Dakota?

Mr. POMEROY. Let us talk about the estate tax provision because I do think it is one where clearly the multi-millionaires are the largest beneficiaries.

I noted with interest the debate. I represent a farmer's State. I arguably represent more production acres than any other Member of the House of Representatives, and when they are talking about the farmer's need for this estate tax relief and the small business owner's need for this estate tax relief, I paid close attention because those are the folks I speak for. Well, we came up with a proposal that would have allowed \$4 million on a unified credit in estate tax relief, and I was wondering, is this sufficient?

I got a USDA figure. Ninety-nine percent of the farms in this country have a net worth of \$3 million and below. We took it up to \$4 million.

So this business about this being a farmer-driven issue, this being a small business driven issue, that is fiction, that is bait and switch. They will hold out the farmer, they will hold out the small business owner. Believe me, repeal of the estate tax is not about them at all. It is about the wealthiest few in this country, and if we direct our tax relief there, look, if we had unlimited resources, I would say fine, fine; but if we give it there, then we darn sure make sure that middle income families do not get the relief that they need.

The people at the very top earning levels of our country do not have the month-to-month pinch in their cash flow that creates nearly the compelling need for the tax cuts that our working families as they struggle to pay for their college tuition for their children, as they struggle to get access to health care, as they struggle to put some money aside for retirement. Those are real needs for real Americans, and if we give it to the wealthiest few we do not have it for them.

Mr. EDWARDS. In fact, as I look at the Republican-passed estate tax, and I supported the Democratic alternative that was much more fiscally responsible and helped most farmers, ranchers and small businesses, but I look at the Republican estate tax plan, it is essentially this, that the majority party in this House is saying we can afford to spend \$500 billion over the next 10 years.

Guess what? Ninety-eight out of every 100 Americans will not get one dime of that. So, Mr. Speaker, what I would say to the American people is that next time they go into a room of

100 people, think about the estate tax. Look around them. Five hundred billion dollars is going to be spent throughout the country, but of the 100 people in that room only 2 will get a single dime out of that.

The single mother working hard trying to, as a waitress, find a way to pay for child care and put her children through school, the \$30,000 a year working family, the average working family in America that goes to work and works hard, sometimes two parents trying to save money for their children's education and a little bit for their retirement and pay their utility bills, they do not get a dime out of the estate tax; but the richest 329 families in America will get over a billion dollars a year in tax benefits out of this.

So it is just amazing to me, at a time when this House has not found a way to get all of our Army soldiers off of food stamps, we can all of a sudden say but, however, we cannot afford to get our Army soldiers off of food stamps but we can pass a \$500 billion tax cut over a 10-year period where over 100 percent of the benefits go to 2 percent of the wealthiest families.

I am not here to attack wealthy families. I respect and admire them. I am not here to raise their taxes. In fact, they had their taxes cut significantly just a few years ago when we reduced the capital gains tax. In fact, the reality is that some of the wealthiest families in America pay less on their income than the poor average working family. The waitress that works 30, 40, 50 hours a week, the two-income family that makes \$40,000, \$50,000 a year, they pay more income tax because their tax rates are in the 30 percent range. The billionaire who makes most of his or her money off of capital gains on stock investments are paying 18 percent. So the wealthiest have already gotten a tax cut, and that was passed for reasons to encourage investment in this country.

Now we are adding on top of that; one hundred percent of the benefit going to 2 percent of Americans.

Again, I would remind the American people that means 98 out of every next 100 people we see will not get one dime, but I can say what those working families will get. They will get an extra \$11.5 billion interest payment on the national debt because of that tax break for Bill Gates and Ted Turner and the richest families in America. They will get \$11.5 billion increase in interest payments that they will have to help contribute and pay for, their children and grandchildren will have to pay for. So the working folks not only do not get a dime of the estate tax as proposed by the Republicans, they are actually having to pay for it. That is simply unfair, and that is what this part of our debate is about, are the Republican tax proposals fair?

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Mrs. THURMAN. Mr. Speaker, I actually was at a function on Friday night for the Key Training Center, which is for children with mental retardation, and I have to tell my colleagues something. I went to a friend of mine who I know is a Republican and is an accountant. I said to him, and I will not mention his name, but I said, tell me what you think about this. I mean I wanted to make sure that I had a clear understanding, because I do have farmers, as the gentleman from North Dakota does, and the gentleman from Texas (Mr. EDWARDS); although I do not believe that the gentleman from Texas (Mr. GREEN) has farmers in his district, and he said, KAREN, I do estate planning. He said, they know how to make sure that they are not paying this money. They know how to make sure that that is going to be passed on.

Yes, there are a few out there; I think the farmers and the small businesses that we have talked about that have some assets that are based on land and some equipment and some things that are not necessarily done through a paper shuffle, they have some issues, which is why the democratic substitute looked at it and we said, we need to take care of this. Or, in fact, why we raised it and voted for less than 3 years ago in 1997. I mean we raised the estate tax, we did that too, and it was signed by the President in a bipartisan way.

So I think that when I talked to this guy and he said, KAREN, I think you are right on this. Actually, KAREN, I know you are right on this. Because we all need to have that gratification, knowing that we are doing the right thing and we go to the professionals out there, we talk to the people in our district. We find out those people that deal on these issues, and they are coming back saying exactly the same thing, that some of these numbers and some of this conversation that we have had with other folks is, in fact, true, that this is not necessary at this time; that there are bigger issues that this country faces than to just give a few people in this country that are already able to send their kids to college, that are already able to buy a home, that are already able to put money aside for their pensions, that already have advantages that many of the other folks do not have. We are talking about people that are making anywhere between \$50,000 to \$60,000, and they are not getting but maybe, at best, \$19 to \$185 out of a tax bill.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I would say to working businesses, small businesses and farmers and ranchers, if your business, your ranch, your farm are worth \$4 million or less, the democratic estate bill will actually help you more quickly than the Republican bill.

Mr. POMEROY. Mr. Speaker, if the gentleman will yield, that is a very important point. We got help for them next year up to \$4 million. We took the lead just 3 years ago, as was mentioned by the gentlewoman from Florida (Mrs. THURMAN), to move it up to \$2.6 million on a unified credit. We now propose taking it to \$4 million, and next year a lot more relief than we see under the majority bill.

Mr. Speaker, we see the majority bill really is not about helping farmers or small businesses. It is geared to the wealthiest families in this country, and that is why the long, slow phase-in so that they can get the super-rich involved in the package.

Mr. EDWARDS. Mr. Speaker, as I yield to the gentleman from Texas (Mr. GREEN), I would just summarize my comments on this fairness question in this way: I think Democrats feel that we do not have to give Bill Gates and Ted Turner and Steve Forbes a massive multi-billion dollar tax cut to protect the family farmer in Lomita, Texas or Gatesville, Texas or the small businessperson in Texas.

Mr. Speaker, I would like to yield to my colleague from Houston (Mr. GREEN), who is a key member of the Committee on Commerce.

Mr. GREEN of Texas. Mr. Speaker, first I would like to thank the gentleman for organizing this Special Order tonight on the issues of the tax cuts. I just came in to talk about the fairness and what we are not funding, because I think that is important. But my colleagues in North Dakota and Florida and the two of us from Texas, we recognize what is important, that we are considering a budget and a marriage tax penalty and an estate tax proposal that only benefits the wealthiest of Americans and does nothing to help the working folks in my district. I have to admit, we do not have any farmers in urban Houston, but we do grow our backyard gardens, we have tomato plants and peppers, but with this heat, they are all dead now.

But I think the graph and the distribution that our colleague from North Dakota has, and I have the smaller version of it, shows almost 60 percent of the marriage tax penalty benefits and the estate tax will go to those percentage of 130,000 or more, the top 5 percent of the income brackets. That is what that shows. I think it is frustrating.

We want the opportunity to show the American people that we can work together on a bipartisan basis and agree on a tax resolution and a budget that is fair.

The gentleman mentioned the democratic alternative on the estate tax. Mr. Speaker, \$2 million per person in Texas, \$4 million because it is a community property State, although I know it affects every other State now, is not that huge tax cut for the

wealthy, it will benefit the small business people, a machine shop owner in Houston who may be on a third generation who has built up his machine shop to where it may be substantially beneficial, or the rancher or farmer in west Texas or North Dakota, \$2 million is a lot of money individually. We wish we could get to that point.

My concern about the Republican plan, and the gentleman has mentioned it, if we do this, we will see higher interest rates and force huge deficits, go back to those deficits, and we will see these tax increases in the future on our children and our grandchildren.

So before we hastily rush into these bills, we need to make sure that we realize that there are certain programs that we have to do and talk about what we may not be funding. But all of us are for tax cuts, Democrats and Republicans, who just need to be reasonable. I think the difference, though, is that we are concerned about making sure we have money to pay the service personnel, the defense of our country, to save Social Security, modernize Medicare, pay down our national debt, as the gentleman mentioned, how important that is for our own tax rates, for people who are going out and buying cars or mortgaging a house, or even that small businessperson going out on the market and saying hey, I need an inventory loan.

By paying down the national debt, we are lowering our taxes. Educating our children, making sure that businessperson has qualified employees that will come in. Educating our children is not free. It is expensive, it costs local and State dollars, but it also requires Federal resources to help so we can bridge that gap on what local and State resources cannot do.

So I have met lots of my constituents over the last few months, and the number one concern I think is insolvency of Social Security and a prescription drug benefit for our seniors. We need to make sure that we balance that. We can have reasonable tax cuts and yet still make sure that we support those programs, the defense of our country, Medicare prescriptions, and Medicare itself, and the education of our children, that will not be a balanced budget-buster, like what we will see if all of these are passed, and thank goodness the President will veto them.

Mr. Speaker, I cannot help but mention one project, because my colleague from Waco knows the Port of Houston project. We have critical projects all over the country. With the gentleman's help, we have been able to make sure the Port of Houston project is on line to be completed in the time frame. That is not free, but it will pay down the line, it will pay in customs duties, it will pay in local taxes that we will ultimately pay back. There are times we are going to have to say no, we cannot do these infrastructure projects

that will ultimately pay more than if we give these huge tax cuts now.

So I want to thank the gentleman for his effort on the Port of Houston project and also thank him for tonight, in making sure that we have the opportunity to give our side of it and say, we are for tax cuts, we are for reasonable ones that also take care of Medicare, Social Security, infrastructure and education for our children, and paying down the national debt.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I want to thank the gentleman for his comments. He summarized some very key points.

For our debate tonight, I think the first question we wanted to raise was, are these, in effect, trillion dollar proposed tax cuts fiscally responsible? The answer is no. The second question is, are they fair to average working families? The facts are they clearly are not. The third point I think perhaps we could get into and mix with the debate of the fairness of the tax cuts is, if we were to have this \$500 billion, or even the proposed \$1 trillion in tax dollars to spend over the next 10 years, should they all go to these particular tax cuts or should they perhaps be balanced between tax cuts, paying down the debt and supporting some other major national priorities?

I think we ought to continue this discussion with about 12 minutes that we have left in this hour of debate on the crucial issue of how are we going to reflect our values as a Congress in the way we spend the projected surplus. I would like to get into the issue of not only the fairness of the tax cuts, continue that debate, but also talk about how perhaps this massive size of tax cuts, bigger in sum total than last year's proposed cuts projected by the American people, how do these proposed tax cuts cut out other high national priorities? Unless, of course, you are part of the free lunch bunch, in which case you can cut taxes, have massive increases in defense spending, adequately fund domestic needs and pay down the national debt. But I hope we grew beyond that free lunch bunch mentality that got us into a massive national debt position in the 1980s.

I yield to my to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding. What can we not do? What priorities have been crowded out if we pass the revenue plans secured to the wealthiest in this country of the majority?

Well, let us start with one that was considered last week in the Committee on Ways and Means and was deemed to be too expensive by the chairman of the committee, the very chairman that has supported virtually every one of these tax cuts, including the unlimited estate tax relief that we have been talking about.



The proposal that he believes we cannot afford is one that would help middle income families save for retirement.

Mr. Speaker, we have one-third of the people in this country with no retirement savings whatsoever. And of the IRA-eligible, where the \$50,000 and below household can contribute to that and deduct that contribution, only 4 percent of all eligible households are using that IRA. We need to go back to the drawing board and recognize that we have to have a more meaningful tax incentive to help people with their savings challenge.

There is no better savings incentive than a match on a contribution. As Federal employees, one puts money in the Thrift Savings Plan, and then the employer, the Federal Government matches that contribution. We could pass a tax cut that matched by a tax credit to the tune of 50 percent that contribution to savings. That proposal was considered. It was voted down, virtually on party lines. It will be considered on the floor of the House this week.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I want to be sure I am clear. The same House leadership that said we could afford to give Bill Gates a massive tax cut this year, said that we cannot afford to provide tax incentives for middle and lower income working families to save for their retirement; is that correct?

Mr. POMEROY. Mr. Speaker, that is precisely the sorry circumstance that this issue presents. They said we could not afford it. We could not afford to take a family making \$30,000 trying to save for retirement, we could not give them a tax cut. So that if they get \$2,000 into an IRA, we give them a tax credit of \$1,000, representing essentially a 50 percent match on their contribution. There is no better savings incentive than an employer match through this tax cut to middle income families. We could essentially give them an Uncle Sam match, helping them save for retirement. They said we could not afford it.

I cannot think of anything more important than helping middle income families save for retirement. That is what ought to be the priority. We need to help people save for their later years before we get around to aiding Bill Gates with his estate dilemma.

Mr. EDWARDS. Mr. Speaker, I appreciate the gentleman's comment. The question is, if we have a certain amount of tax cuts to provide, who are we going to give them to? I think the American people ought to ask, whose side is Congress on? Are we going to be on the side of the working folks that are struggling or the wealthiest one-tenth of 1 percent of Americans who have already gotten a substantial tax cut over the last several years?

I again yield to the gentlewoman from Florida (Mrs. THURMAN).

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Mrs. THURMAN. In my former life I was a math teacher, so we could play a little game here, if Members would like to. I think it would be very advantageous, because I think it can show really significantly that we are not against tax cuts, and that we have offered to the other side to negotiate and participate in these issues, but the question is as to how it is going to happen.

Let me say to the gentleman from North Dakota (Mr. POMEROY), we had the marriage tax penalty on the floor here today, \$182 billion, the alternative is \$90 billion, somewhere around there, that would have really taken away the tax penalty for marriage, okay?

If my numbers are right and we did this tax credit that the gentleman is talking about for folks, \$30,000, \$40,000.

Mr. POMEROY. All the way up to \$80,000 on the Committee on Ways and Means bill.

Mrs. THURMAN. If I remember correctly, the number that was given as kind of the estimate without being scored was about \$50 billion. So if I take 50 from 184 that leaves me 134, so I still now have \$44 billion. I could pay for this pension part, and I still have \$44 billion to kind of work with here. Because if I really just want to take care of the marriage tax penalty, I only really need \$90 billion.

So what is the next issue? Well, we could only squeeze out of this surplus \$50 billion, or I am sorry, \$40 billion for prescription drugs. Right? That is it. We are going to send it to those HMOs that are pulling out of all of our districts. We are going to give subsidies to insurance companies who do not even want to give a drug bill. Correct?

So if we took that \$44 billion and transferred it over to the \$40 billion that we already have, we could potentially get to a negotiation. That is just the marriage tax. That is compromise. That is looking at numbers. That is understanding that we can do both. We do not have to just do one.

All we have said to them, and have reached over there and said is, give us a chance to talk about this. But no, we come to this floor just before convention time, just before everybody wants to go home and talk about these tax cuts. The fact of the matter is, we could do it for a lot of people.

So I now have \$90 billion in marriage tax, I now have \$88 billion for the prescription drug, and we have another \$50 billion to help people have security in their paychecks when they retire, and we have not even talked about the estate tax. But there is a compromise.

Mr. EDWARDS. Mr. Speaker, I want to thank the gentlewoman for making the point, which is our third question tonight. That is, does the Republican proposal for tax cuts this year, does that actually crowd out other major national priorities?

I think the answer to that question is yes, just as the answer to our other question, are their proposed tax cuts irresponsible fiscally and are they unfair to average working families, is yes.

Let me talk as a member of the Committee on Appropriations about the values reflected by the choices made in this House, because it is not a free lunch. As they have proposed their massive tax cuts, they have proposed to tighten the belts of a few folks as we try to enhance Bill Gates' and Ted Turner's and Steve Forbes' substantial wealth.

Let us look at who has been asked to tighten their belts.

First, Republicans on my Committee on Appropriations suggest a 60 percent cut in the Legal Services Corporation. So while we come to this House floor and put our hands over our hearts and say pledge of allegiance to the flag every day when we are in session, and finish with "liberty and justice for all," we are giving some liberty enhancing the wealth of Bill Gates, but we are denying justice for the lower-income woman who has been the victim of abuse by her husband, who walked out and left her trying to support her children. They wanted to cut the Legal Services Corporation.

In the Subcommittee on Energy and Water Development in the Committee on Appropriations on which I serve, we had to make an arbitrary decision of no new flood construction projects anywhere in the country. If one's community is at risk for massive flooding, because of these massive proposed tax cuts, we cannot offer that community a national responsibility, and that is to prevent flood damage and perhaps even injury and death in the community.

They proposed that we kill the President's program to bring in 100,000 new teachers, so we can have qualified teachers and smaller classrooms throughout America. That went out the window because of the cost of these massive tax cuts.

For example, the estate tax, 100 percent of the benefits go to only 2 percent of American families.

We have had to cut back on the President's proposal for school modernization, to bring our public elementary schools up to safe standards that local communities would require for safety for people of any age, much less children. We have reduced funding for basic science research.

As someone who cares deeply, along with Members of the Republican and Democratic Caucus in this House, cares deeply about our national defense and our men and women serving in uniform, this House, which originates or has the responsibility for originating spending bills, could not find the money to get soldiers and airmen and Marines off of food stamps, but we could give Bill Gates a tax cut.

It goes on and on and on. One in 13 seniors throughout America, including in my district, have to make a decision sometime during this year whether to adequately purchase food or their prescription drugs their doctors say they need for health. Yet the Republican leadership says, no, we can afford these tax cuts for the wealthiest 2 percent of families, but we cannot afford that expensive old Democratic prescription Medicare drug program that is going to help seniors not have to choose between eating properly or taking their medicine properly.

So my point is that it is not a free lunch. These proposed tax cuts not only are fiscally irresponsible, they are not only skewed to the wealthiest Americans and not average working families, they end up costing average working families. They are also crowding out our opportunity with today's budget surplus, our opportunity to help folks like senior citizens who need help with prescription drugs.

Their proposals crowd out our ability to protect the solvency of the social security and Medicare trust fund.

So there is a tremendous cost for these proposals. I think when the American people recognize the cost of these so-called free lunch tax cuts for the wealthiest Americans, I think they are going to be outraged by it.

Mr. POMEROY. If the gentleman will yield further, Mr. Speaker, for my final participation tonight in the special order, and I still commend the gentleman for hosting it, as we look at this in context we can only conclude that the totality of what they are doing is not responsible, does not pay down the debt as its first priority, and depends upon 10-year projections. Who knows whether we are going to hit those projections or not?

It is not fair and is hopelessly skewed to the wealthiest families, leaving the rest getting pennies while the wealthiest few come out like bandits under this proposal.

Finally, it crowds out doing what we ought to do for middle American families.

Mr. EDWARDS. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) and the gentlewoman from Florida (Mrs. THURMAN) for their participation on this vital national issue.

#### REPORT ON H.R. 4871, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

Mr. KOLBE (during the Special Order of Mr. EDWARDS) from the Committee on Appropriations, submitted a privileged report (Rept. No. 106-756) on the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fis-

cal year ending September 30, 200, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HUNTER). Pursuant to clause 1 of Rule XXI, all points of order are reserved.

#### WHAT IS THE FATE OF THE NORWOOD-DINGELL-GANSKE BIPARTISAN CONSENSUS MANAGED CARE REFORM ACT OF 1999?

The SPEAKER pro tempore (Mr. HUNTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 30 minutes.

Mr. GANSKE. Mr. Speaker, 10 months ago this House of Representatives passed real patient protection legislation to correct HMO abuses. We passed the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act of 1999 with a vote of 275 to 151.

So, Members ask, why is that bill not law yet? Why is not the congressional leadership leaning on the chairman of the conference committee to hold meetings? Is the conference dead? If so, then Senator NICKLES should say so, so that we can move beyond the failure of the conferences committee.

Mr. Speaker, every day that goes by without passage into law of a real patient protection bill means that people are being harmed by HMOs that care more about their bottom line, more about their most recent stock quotes on Wall Street, than they care about patients.

Let me give some examples of people who have been harmed by HMOs. Before coming to Congress, I was a reconstructive surgeon. I took care of little children that were born with birth defects like this little baby with a cleft lip and palate.

Do my colleagues know that in the last several years, more than 50 percent of the surgeons who care for children born with this birth defect have had cases like these refused by HMOs, who call this a "cosmetic deformity"? This is a birth defect. The operation to repair this would be to restore towards normalcy. That is not a cosmetic case under any definition.

A couple of years ago now this lady's case was profiled on the cover of Time Magazine. This woman lived in California. Her HMO did not tell her all that she needed to know. Furthermore, they put pressure on the Medicare center treating her not to tell her. Because she did not get that information in a timely fashion, and because her HMO did not play straight with her on getting her the treatment that she needed as medically necessary, she died. Today her children and her husband do not have a mother and a wife.

A couple of years ago a young woman was hiking in the mountains about 70

miles west of Washington, D.C. She fell off a 40-foot cliff. She broke her pelvis, fractured her arm, broke her skull, was lying at the bottom of this 40-foot cliff, when her boyfriend, who had a cellular phone, managed to get a helicopter in. They took her to the emergency room. She was treated. She lived.

But then, do Members know what? The HMO would not pay her bill because she had not phoned ahead for prior authorization. Mr. Speaker, was she supposed to have a crystal ball that was going to tell her that she was going to fall off a 40-foot cliff so she could make a phone call to her HMO?

I have shared these stories with my colleagues in the past, but I have some new ones tonight that are going to amaze my colleagues. This is also a story, a true story about a little boy. We can see him here tagging on his sister's sleeve. One night his temperature was about 104 or 105 degrees, and his mother phoned the 1-800 number for their HMO and said, my baby needs to go to the emergency room. He is really sick.

She got somebody thousands of miles away who said, well, I will only authorize you to take him to one emergency room. And when the mother asked where it was, the person said, I do not know. Find a map. It turned out that the HMO was about 60 or 70 miles away. En route, this little baby had a cardiac arrest.

If one is a mom and dad driving this little baby to the hospital, Members can imagine what that was like. When they finally found it, the mother leaped out of the car holding her little baby screaming, save my baby, save my baby. A nurse came out, started resuscitation. They put in the i.v. lines, gave him mouth-to-mouth resuscitation, gave him the medicines, and they managed to bring his life back.

All because that HMO did not have the common sense or decency to say, if your baby is really sick take him to the nearest emergency room, because en route, they passed three emergency rooms, but they were not authorized by that HMO, this little baby managed to survive, but because he had that cardiac arrest, he lost the circulation to his hands and his feet and he had to have both hands and both feet amputated.

Why do 80 percent-plus of the American public think that Congress should pass an HMO reform bill, a patient protection bill, a real bill? Because their friends and neighbors have had problems just like some of those that I have shown the Members.

A few years ago there was a movie, *As Good as It Gets*. In that movie Helen Hunt is talking to her friend, Jack Nicholson, and explaining how this HMO that they belong to will not properly take care of her son, who has asthma. Then she let loose a string of expletives that I cannot repeat on the

floor of Congress, but I can tell the Members what happened in the theater that my wife and I were in. It happened all across the country. People started cheering and clapping and even standing up in applause, because they knew the truth of that allegation.

No law has passed because the HMOs have spent over \$100 million lobbying against real patient protection legislation. They have given generously to keep that legislation bottled up in conference committee.

Even worse, the HMO industry is trying to get legislation passed that would undo the progress that is being made on behalf of patients in State legislatures and in the courts.

The GOP bill that recently passed the Senate, the Nickles amendment, is worse than no bill at all. In fact, it is an HMO protection bill, not a patient protection bill. Would Members like some proof of this? Let me tell the Members about some of the things that have been documented in a recent article in *Smart Money* Magazine in their July issue.

□ 2000

Consider the case of Jim Ridler. It was shortly after noon on a Friday back in August 1995, and Jim Ridler, then 35 years old, had been out doing some errands. He was returning to his home in a small town in Minnesota on his motorcycle when a minivan coming from the opposite direction swerved into his lane. It hit Jim head on. It threw him more than 200 feet into a ditch. He broke his neck, his collar bone, his hip, several ribs, all of the bones in both legs. It ripped his triceps muscle clean through.

Over the next 4 months, after a dozen surgeries, he still did not know whether he would ever walk again, when he got a phone call from his lawyer who had started legal proceedings against the driver of that minivan who had swerved into his path.

That call that he got from his lawyer really shook him up. "I'm afraid I've got some bad news for you," said his lawyer. He told Jim that, even if Jim won his lawsuit, his health plan wanted to take a big chunk out of it that they had spent on his care.

"You're joking, right?," said Jim.

Nope, said the lawyer, Jim's health plan had a clause in its contract that allowed the HMO to stake a claim in his settlement, a claim known in insurance as subrogation.

"So I pay the premium, and then something happens that I need the insurance for, and they want their money back?," Ridler asked incredulously. "The way I figure it, my health insurance is just a loan."

Well, Ridler eventually settled his lawsuit for \$450,000 which was all the liability insurance available. His health plan then took \$406,000, leaving him after expenses with a grand total of \$29,000.

"I feel like I was raped by the system," he says.

Do my colleagues know what, Mr. Speaker, most people are not even aware that these subrogation clauses exist until they have been in an accident and try to recover from a negligent individual like the person who almost killed Jim Ridler.

Originally, subrogation was used for cases in which care was provided to patients that had no health insurance but who might receive a settlement. However, HMOs are now even seeking to be reimbursed for care that they have not even paid for.

Susan DeGarmo found that out 10 years ago when her HMO asked for reimbursement on her son's medical bills. In 1990, Stephen DeGarmo, age 10, was hit by a pickup truck while riding his bike to football practice near his home in West Virginia. That accident left him paralyzed from the waist down. His parents sued the driver, and they collected \$750,000 in settlement plus \$200,000 from the underinsured motorist policy. Now, that is to last this little boy the rest of his life as a paralyzed person.

The health plan of Upper Ohio Valley wanted \$128,000 in subrogation from Stephen's bills. Now Stephen's mother thought that that was a high amount, so she phoned the hospital in Columbus Ohio where Stephen had been treated, and she got an itemized list of charges. What she found out infuriated her. The HMO had paid much less than the \$128,000 it was now seeking.

Mrs. DeGarmo had found another dirty little secret of managed care, and that was that HMOs often use subrogation to go after a hospital's billed charges, the fee for full-paying patients, even though the HMO gets a discount off the billed charges.

According to DeGarmo's lawyer, the health plan of Upper Ohio Valley actually paid \$70,000 to treat Stephen. That meant they were trying to take \$50,000 from Stephen's settlement that they had not even paid for. They were going to make money off this little boy who had become paralyzed.

When the DeGarmos refused to pay, the HMO had the gall to sue them. Well, others found out about this HMO's action; and in 1999, the HMO settled suits for \$9 million spread among roughly 3,000 patients that they had treated like the DeGarmos.

Now, when HMOs get compensation in excess of their costs, I believe they are depriving victims of funds that those victims need to recover. This subrogation process has even spawned an industry of companies that handle collections for a fee, typically 25 percent to 33 percent of the settlement.

The biggest of these subrogation collection companies is Louisville, Kentucky based Healthcare Recoveries, Incorporated. Last year, HRI, whose biggest customer, not surprisingly, is

United Healthcare, recovered \$226 million for its clients, and its cut was 27 percent.

According to one former claims examiner for HRI, Steve Pope, the company is so intent on maximizing collections that it crosses the line into questionable practices.

Take the case of 16-year-old Courtney Ashmore who had been riding a four-wheeler on a country road near her home by Tupelo, Mississippi. The owner of the bordering land had strung a cable across the road, and Courtney ran into it, almost decapitating herself. Her family collected \$100,000 from the property owner.

Their health plan paid \$26,000 for Courtney's care. Steve Pope, the claims examiner for HRI, contacted the family's lawyer and wanted that \$26,000 back. The lawyer asked for a copy of the contract showing the subrogation clause. Well, they could not find a copy of the contract. So Mr. Pope told his supervisor at HRI of this, and he was told to send out a page from a generic contract that did have a subrogation clause in it.

Later, Pope found out that Courtney's health plan did not, in fact, mention subrogation. Still, he has testified, he was told to pursue the money anyway.

Steve Pope has testified, "These practices were so widespread, and I just got tired of being told to cheat and steal from people."

Well, Mr. Speaker, the notion that subrogation should be prohibited or at least restricted is gaining ground. Twenty-five States have adopted doctrine that injured people get fully compensated before health plans can collect any share of personal injury money.

In March, a Maryland appeals court went even further. It ruled that the State's HMO Act prohibits managed care companies from pursuing subrogation at all. The court said, "An HMO, by its definition, provides health care services on a prepaid basis. A subscriber has no further obligation beyond his or her fee."

So what did Senator NICKLES' bill do to address this problem with subrogation? Did the Senate GOP bill try to make the system more fair for patients? Did it protect those State laws which are being passed to prevent subrogation abuses by HMOs?

Oh, no, Mr. Speaker. The Senate GOP goes even further than subrogation in protecting HMOs. It says that the total amount of damages to a patient like Jim Ridler or Steve DeGarmo or Ashley Courtland would be reduced by the amount of care cost whether they have a subrogation clause in their contract or not. In other words, the Senate GOP bill that passed a couple weeks ago would preclude State laws being passed on subrogation entirely.

If that were not enough of a sop to the HMO industry, the Nickles bill says

that the reduction in the award would be determined in a pretrial proceeding and that any evidence regarding this reduction would be inadmissible in a trial between the injured patient and the HMO.

What does that mean? Well, let us say one is hit by a drunk driver while crossing the street. One's HMO subsequently refuses to pay for necessary physical therapy, even though these are covered services under one's employer's plan. So one files two separate lawsuits, one against the drunk driver in the State court and the other against the HMO in the Federal court, because the HMO is not treating one fairly.

The civil case against the drunk driver is delayed because criminal charges are pending against him. If the Federal case proceeds to trial, under the Senate GOP bill, the Federal judge would have to guess how much a State jury would award one, and the Federal judge would have no way of knowing what one might actually collect.

This collateral source damages rule in the Nickles bill would leave patients uncompensated for very real injuries. For example, if one is injured in a car accident by another driver who has a \$50,000 insurance policy, but one has medical costs of \$100,000 that one's HMO refuses to cover when one goes to collect the \$50,000 from the negligent driver, one might get nothing. Why? Because whether one has brain damage or broken legs or one's loved one is dead, one gets nothing because, under the Senate GOP bill, the HMO gets to collect all \$50,000, even though it denied one necessary medical care for one's injuries, and one does not get a penny.

Mr. Speaker, the Senate GOP bill values the financial well-being of the HMO more than it values the well-being of the patient. That is only part of the reason why I say that Senate GOP bill is an HMO protection bill, it is not a patient protection bill.

Mr. Speaker, we can do a lot better than that. The House did a lot better than that. It passed the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act of 1999. Mr. Speaker, we better do better than that Senate GOP bill, because the voters are watching; and because their friends and family members are being injured by HMOs, and we need to fix this.

#### FEDERAL RESERVE MONETARY POLICY: IS GREENSPAN'S FED THE WORLD'S CENTRAL BANK?

The SPEAKER pro tempore (Mr. HUNTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 30 minutes.

Mr. METCALF. Mr. Speaker, the topic of my speech tonight is Federal Reserve monetary policy: Is Greenspan's Fed the world's Central Bank?

Some years ago, William McDonough of the Federal Reserve Bank of New York stated the most important asset a central bank possesses is public confidence. He went on in that speech to note that, "I am increasingly concerned that in a democracy a central bank can maintain price stability over the intermediate and long term only when it has public support for the necessary policies."

Public confidence here can only mean the confidence of the Members of Congress in our oversight capacity. Most of the American public, to this very day, have not the least interest in, awareness of, or knowledge of the Federal Reserve System, our central bank. But most Members feel that Allan Sproul, another former president of the New York Federal Reserve Bank, was quite correct in his letter, still quoted by Fed officials, that Fed independence does not mean independence from the government but independence within the government.

□ 2015

In performing its major task, the administration of monetary policy, the Federal Reserve System is an agency of the Congress, set up in a special form to bear the responsibility for that particular task which constitutionally belongs to the legislative branch of government."

Clearly, that form of argument appeals to most Members today. The construct is a masterpiece not just for being true, Congress did abdicate its enumerated powers, but for letting even those of us responsible for oversight off the hook: The Treasury does not rule the Fed, the White House does not rule the Fed, but this Congress does not write the script either.

The current Fed chairman, Alan Greenspan, will soon testify before this House expressing his independence. As the journal *Central Banking* recently noted regarding the Fed, "It has acquired an air of sanctity. Politicians hesitate to bait the Fed for fear of looking stupid." As a result, still quoting, "the Fed's accountability is less than it appears. The Fed is always accountable in the sense that Congress could bring it to heel if it really wanted to."

And the Fed has not done too badly in some areas, as the economy demonstrates, most notably where inflation and interest rates are today resting. Whether they remain even close to where they are come a year or two from now may indeed be an all together different story.

Mr. Greenspan has been pretty clear about what is now important in Fed policy. Let me quote from some past testimony: "The Federal Reserve believes that the main contribution it can make to enhancing the long-term health of the U.S. economy is to promote price stability over time. Our

short-run policy adjustments, while necessarily undertaken against the background of the current condition of the U.S. economy, must be consistent with moving toward the long-run goal of price stability."

The reality is that monetary policy can never put the economy exactly where Greenspan might want it to be. He knows full well that supply shocks that drive up prices suddenly, like the two major oil shocks of the 1970s, are always going to be with us, and more so than ever as the process of globalization continues to transform the world's economies. And the United States Federal Reserve is leading this global transformation. Some are quietly arguing, over lunch mostly, that Greenspan is in charge of what he may already believe to be the World Federal Reserve, the World Central Bank.

There is good reason to suggest this. As Robert Pringle noted some time ago in *Central Banking*, "Central banks, rather than governments, are laying down the rules of the game for the new international financial system. The Fed is in the lead."

Pringle went on to argue, and I am quoting him at length here, "If the Fed's record during the debt crisis and in exchange rate management is mixed, most observers would give it full marks for the way it dealt with the stock market crash of October 1987. It is not clear that the verdict of history will be as favorable. After being prodded into action, some central banks, notably those of Japan and England, went on madly pumping money into the system long after the danger had passed, creating an unsustainable boom and reigniting inflationary pressures."

"Well, the Fed can hardly be blamed for that. The real problem was that Greenspan's action risked creating the expectation among investors that the Board of Governors would support U.S. stock markets in the future. Clearly, the action was prompted by the need to protect the banks from the risks to which they were exposed to firms in the securities markets."

"Equally, this support signalled an extension of the central banks' safety net to an area of the financial system where investors are traditionally expected to bear the risks themselves. It is no accident that after 1987 the bull market really took off, and it has never looked back."

I have quoted this section in the article by Robert Pringle that appeared in *Central Banking* because we are hearing the very same fears expressed today, though quietly, over lunch, by phone, by rumor, by investors and money managers throughout the U.S. Not too long ago former Fed chairman Paul Volker strongly suggested that our current boom is driven almost exclusively by the major international firms in the high-tech industry and the 40 industrials. Clearly, this is due to

the fact that these few giant monopolies dominate the world market. Therefore, this boom reflects less what is happening here in America than what is going on in the world to these few monopolies' financial benefit.

I am not entirely complaining. Where these few giant firms are concerned, some American workers do benefit. But more foreign workers benefit than American. More investors and owners benefit than workers; more very wealthy individuals than the middle class bedrock.

My problem is that Greenspan's Fed seems to believe money does not matter; that we can create vast sums of cash and pump it into financial markets at will, manipulate the Adjusted Monetary Base to even greater height or plummet to the depths. All this is done toward long-term price stability? Has Greenspan so rejected Milton Friedman's theory that to do so one guarantees inflationary pressures in the road ahead along with savage corrections when actions become necessary by, once again, the same Fed?

Can Greenspan seriously argue the Fed has not created the worst bubble in history; the worst speculation ever witnessed, with millions of day traders gambling their small fortunes on meek wills, wishing to become, each of them, another Bill Gates? Clearly, Greenspan has sent a signal once again to investors that the stock market bears no risk for the middle class citizen.

During 1995, it was Mexico's turn again, and as Pringle pointed out, "The American administration panicked. Again, the Federal Reserve was there to help, even though there was less reason for central banks to get involved than in 1982, since there was less risk to the international banking system."

And as Pringle goes on to state, "Again, European bankers were annoyed at the lack of consultation. You do not need to be a populist politician to expect that Wall Street was calling the shots, especially with former senior partner of Goldman Sachs, Robert Rubin, as U.S. Treasury Secretary."

We have witnessed some rather disturbing policy stratagems in just, say the last 10 months or so. Greenspan's Fed began around August and September of last year to expand the money supply, the Adjusted Monetary Base, from around \$500 billion to nearly \$625 billion, a \$70 billion runup, in anticipation of potential Y2K effects. This enormous expansion flowed directly into financial markets and helped create the enormous boom in stock prices prior to that year's end. The speculation was seen primarily in high-tech stocks.

Then comes the sudden and nearly precisely the same spike downward of the same Adjusted Monetary Base right after the year ends and year 2000 begins. There are no problems with Y2K. This spike downward lasted until

about April of the year 2000. We know the savage corrections the stock market displayed, and there were more losers than winners. All we ever hear about are the winners, not the thousands or millions of losers.

And why do we hear so little about the losers in the media? Because, so the argument goes, the market returned almost to normal. The market bounced back, so the argument goes. Certainly, as the Fed began once again to pump up the monetary base around April. But the losers remain losers, and lost homes, businesses and bankruptcies continue to reach all-time highs; personal debt, especially credit card debt and equity finance debt, have reached unheard of levels. This is the speculation? No, let us call it what it really is: Gambling. This is the gambling that is today our U.S. stock market.

We will not hear the White House complain. Only praise for Clinton's appointee shall be sounding out, ringing out the bell in praise for White House management of the economy. We will not hear that from the very speculative bubble created during the last 6 months of 1999. We will not hear that from the quickest investors, who took their profits before the inevitable downturn and before the corrections came.

Investors paid handsomely for their gains in capital gains taxes levied. It is no surprise to Fed watchers that the taxes collected from capital gains nearly equaled the much-hailed government surplus, which Clinton soberly explained was due to his wise leadership of the economy. If the surplus was really generated by the wise leadership of the White House, why has the government's debt not been going down? And we should not confuse the government debt with some mythical balanced budget.

For a Federal central bank, the concentration of power at the top is very marked. True, although the Board of Governors sets the discount rate and reserve requirements, the execution of monetary policy on an ongoing basis is decided by the larger 12-member Federal Open Market Committee. But the FOMC brings only five voting Reserve Bank presidents, to which the New York bank is always one, leaving the Washington governors in the majority. And the influence of the chairman alone can be sometimes near to overwhelming.

On an historical note, and I taught history and government, so forgive me, Congress insisted on scattering 12 Federal Reserve banks across the country when the system was devised so the east could not restrict credit elsewhere. Interestingly, these regional Feds were chartered as private institutions in which local banks owned all the stock. That is still true today, with the outside directors on the board of a

Federal Reserve a mix of representatives from small and large member banks in the district, as well as representatives from industry, commerce and the public.

What was intended here was a sort of balancing; three bankers with six non-bankers on each Federal Reserve Board. Supposedly, this would put the lenders at a disadvantage to the borrowing classes, which would outnumber the lenders six to three. The boards choose the Federal Reserve Bank presidents, always from the lending class, but do so only with the approval of the seven-member Federal Reserve Board in Washington. Thus, we can readily see that bankers, lenders, clearly dominate the Federal Reserve System itself.

Even though at the regional Feds the distinction I just made is superficially valid, many of the nonbank directors are tied inextricably to banking itself, or sit on separate boards of directors where bankers rest as well. Nor is the public sector category so clear. Many nonindustry participants on these boards have close ties to banking and banking's network of consultants, academics and financial management roles clearly bank related.

Just how much power any one regional president has is still debated in inner circles. Previous efforts at restricting Reserve Bank presidents' powers have been dismissed on the grounds that their powers were a proper delegation of authority by Congress. Allowing that the Federal Reserve is a quasi-government agency, it remains the only government agency in which private individuals, along with government-appointed individuals, together make government policy.

I will repeat that. The only government agency in which private individuals, along with government-appointed individuals, together make government policy.

It remains a solid fact that these regional bank presidents cast extremely important votes on public policies that in the present as well as the future affect the economic lives of every American.

□ 2030

Yet, and this is the point to my digression, they lack the public accountability because they lack the public legitimacy to be making these decisions, especially these kinds of decisions, some of whose recent effects I have just pointed out.

Nobody can deny any longer that the Federal Reserve system dominates the U.S. economy, that its decisions, more than even so-called market forces, a sham notion under managed competition in any case, affect everybody's lives and well-being, that within the decision-making process delegated to the Federal Reserve, the Board of Governors clearly dominates the process, that within that Board of Governors,

the chairman, and this is not intended to single out Mr. Greenspan but to apply to all past and present and future chairmen, that the chairman dominates the board.

If all this does not concern this Congress, then history will record the result.

#### TRIBUTE TO VETERANS OF PACIFIC THEATER IN WORLD WAR II

The SPEAKER pro tempore (Mr. HUNTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I am taking this opportunity for a one-hour special order to pay homage to the veterans of the Pacific Theater during World War II and especially for those who participated in the battles for Guam and Saipan as part of a conflagration sometimes referred to as the Marianas Turkey Shoot, one of the greatest naval victories during World War II.

On July 21, at the end of this week, the people of Guam will be celebrating the liberation of Guam. It is the day that commemorates the landing of the Third Marine Division on the shores of Asan and the First Marine Provisional Brigade supported by the 77th Army Infantry in Agat.

I want to send my greetings to the veterans of that conflict as well as to draw and honor and pay respect to not only the U.S. forces who liberated Guam from Japanese occupiers but also to remember the people of Guam and the suffering that they endured during the Japanese occupation.

Japanese troops had earlier bombed and invaded Guam on December 8 and 10, 1941, as part of Japan's attacks on U.S. forces in the Pacific, including the attack, of course, on Pearl Harbor and on the Philippines, both areas having also significant U.S. forces.

This commemoration, which I do annually and which is marked by a laying of the wreath at the Tomb of the Unknowns, which I did last week, will honor the American veterans and remember the sacrifices of the people of Guam and will serve as a tribute for the necessity for peace. For it is only in the remembrance of the horrors of war do we really truly remain vigilant in our quest for peace.

My purpose this evening is to give an historical perspective to the events we are commemorating on Guam and to enhance the understanding of people across the Nation of the wartime experience of the people of Guam and the post-war legacy which has framed the relationship of my island to the rest of the United States. It is a story that is a microcosm of the heroism of the soldiers everywhere and the suffering of

civilians in occupied areas during World War II.

But, as is sometimes not understood about Guam, Guam is a unique story all to itself and it is an experience of dignity in the midst of political and wartime machinations of larger powers over small peoples and, as well, as a story of loyalty to America, a demonstration of loyalty that has not been asked of any civilian community during the entire 20th century.

Guam, which had been an American territory since the end of the Spanish-American War in 1898, was invaded in the early morning hours of December 10, 1941. Thus began a 32-month epic struggle of the indigenous people of Guam, the Chamorro people, to maintain their dignity and to survive during an occupation by a brutal oppressor.

In the months leading up to the war in the Pacific, American military planners had decided that it was not feasible to defend Guam against possible invasion forces by Japanese forces in the surrounding areas. All of the areas in Micronesia, save for Guam, were in the hands of the Japanese under a League of Nations mandate and the most significant Japanese installations being held in Saipan a hundred miles to the north and the naval forces in the Truc Lagoon some 350 miles to the south.

This decision was made because the war plans up to that time had called for several fixed fortifications on Guam that required congressional appropriations; and, unfortunately, due to rapidly moving events in the Pacific and tight military budgets, Guam did not receive the necessary funds to build any defenses in anticipation of World War II, a conflagration which everyone in the Pacific expected to occur at some time.

When the Japanese landed, they found 153 Marines, 271 naval personnel, and 134 workers associated with the Pan American clipper station and some 20,000 Chamorros who were at that time under a status called United States nationals. All American military dependents had been evacuated from Guam in anticipation of the war, with the last ship having left on October 17, 1941, pursuant to an order of the Naval Governor Captain McMillan.

The other vulnerable territory, the Aleutian Islands in Alaska, were similarly threatened by their proximity to Japanese forces. However, in that instance, the army evacuated all of the civilians off of the Aleutian inhabitants in anticipation of the Japanese invasion, thus sparing the people of the Aleutian Islands enemy occupation. So that it ended up that the Chamorros, the U.S. nationals in Guam, were alone among American civilian communities to withstand the onslaught of an enemy occupation.

To demonstrate how Chamorros were treated distinctively, a handful of

Chamorros from Guam who worked at the Pan American station in Wake Island were not evacuated. They were civilians, and these were people working for Pan American clipper station in Wake Island. They were not evacuated. Whereas, their counterparts, American U.S. citizens civilians, were.

The end result was that this handful of Chamorro civilian and construction workers ended up fighting like Marines in the battle for Wake Island, and many of them died and were placed in prison camps. And after a long campaign, we were able to provide those Wake Island defenders with the benefits of veteran status as a result of their battle efforts at Wake Island during World War II.

For the actual defense of Guam, it fell to the Guam Insular Guard and the Guam militia comprised of civilian reserve forces, along with a handful of Marines and sailors. The Japanese invasion force, numbering some 5,000, easily overwhelmed the American defenders. And ironically, the only ones who really fired any shots in anger with the Japanese were members of the Guam Insular Guard, who had set up a couple of machine gun nests in defense of the plaza and the governor's offices.

The signal that the Japanese had used to indicate that they had now taken over the island was to lay an American flag on the grounds of the plaza. This was early in the morning, so the sun had not fully risen, and to flash flashlights over it to signal aircraft overhead.

Throughout the ordeal of the occupation, the Chamorro people maintained their loyalty to America and their faith that American forces would soon return to liberate them. The resistance against the occupation manifested itself in many, many forms but none so powerful and costly as the effort to help American servicemen who had decided not to surrender.

Along with their other fellow servicemen, seven U.S. sailors decided not to surrender and they were captured one by one. Each in turn was hunted down and killed by the Japanese occupiers.

One fortunate sailor evaded capture throughout the entire 32 months of occupation with the assistance of the people at the cost of numerous beatings and even beheadings. The story of this one sailor, George Tweed, was made into a movie entitled *No Man Is an Island*.

The actual liberation of Guam began on July 21, 1944, and was preceded by a serious bombardment which began in mid June. This was a time when they thought the invasion of Guam was going to be an immediate follow-up to the invasion of Saipan in June of 1944.

After they began their preinvasion bombardment of the coast of Guam, they were called back only 2 hours



after the initiation of the bombardment because of the ferocity of the battle for Saipan. So the invasion was actually called off for a period of about 5 weeks.

During the intervening 5 weeks following the original naval attack, the onslaught of cruelty endured by the Chamorros on Guam from their occupiers was incessant. This gave actually 5 weeks for Japanese forces to reinforce their position in full anticipation and, of course, gave them additional opportunity to mass the people on one side of the island. This increased brutality and intensity of the atrocities and marked the beginning of the end of the 2½ year enemy occupation.

The invasion, dubbed Operation Forager was scheduled for July 21 and was preceded by a preinvasion bombardment lasting 13 days.

Now, my colleagues have to understand that this was an island 212 square miles, had a preinvasion bombardment lasting 13 days in large measure due to the experience of the battle of Saipan and the invasion of Normandy, there was a lot of rethinking about the nature of preinvasion bombardment.

While this bombardment leveled most fortified structures in Guam, it also acted as a stimulus for further atrocities against the people of Guam. And as the bombardment continued, the Chamorros became more restless and the Japanese, realizing their ensuing fate, inflicted further brutality and mass slaughter against my people.

The preinvasion bombardment had been preceded by numerous air raids beginning in February 1944, 5 months earlier. After the bombardment, underwater demolition teams, UDT teams, spent 4 days sweeping the shoreline, making the marine invasion possible. It is maybe perhaps an apocryphal story, but the Navy, the UDT, put a sign on Asan on the shore of Guam saying "Welcome U.S. Marines" signed "U.S. Navy."

The U.S. Marines landed on the narrow beaches of Asan and Agat to crawl up their way to what is now known as Nimitz Hill. The men of the Third Marine Division were thrust wave after wave onto Asan Beach, already littered with Marines that had come before them. And once on the shore, the U.S. troops were in the heart of Japan's defense fortifications.

This well-thought-out plan led to the heart of Japan's defense fortifications and into the heart of the defense fortifications climbing steep ridges.

I had the pleasure of meeting Mr. William Rose, who came to our wreath laying in honor of the liberation of Guam last week, and he was a participant in this as a 16-year-old Marine. He was in an advanced team of Marines and he had lied his way into the Marine Corps. He had joined at the age of 14; and he went on to participate in Tarawa, Guam, and Iwo Jima, all as a 16-year-old.

Simultaneously, the southern beaches of Guam were being braved by the First Marine Brigade. However, this less formidable, it is a lot flatter area, was quickly interrupted by the only Japanese counter attack of the day. It is also in those beaches that former Senator Hal Heflin was wounded as a Marine in Guam.

The people of Guam are a resolute and tenacious people, as was proved over 56 years ago as they fought side by side with the Marine Corps participating as scouts, lookouts, and even forming little pockets of armed resistance to Japanese occupiers.

The liberation of Guam is commemorated as a time of solemn memory and remembrance every year since World War II, because it is this special struggle of Americans liberating what must be seen as fellow Americans that serves as a reminder of the spirit of freedom and the high cost that must be paid to maintain it.

□ 2045

The Chamorro people suffered severe privations and cruel injustices under the 3-year occupation by the Japanese where hundreds lost their lives. Thus the mutual and sacrificial experience of Guam's liberation holds unique distinction in the hearts and souls of both the Marines and the soldiers of the 77th infantry, and their story is the story of liberators from without and liberators from within. One came down from the mountain while the others came from the shore and some came from places called Dededo and Agat and others, the ones coming in from the ocean, came from places like Brooklyn and Des Moines. This special kind of spirit in the liberation of Guam which was not seen in any other battle during World War II was very obvious in the 50th anniversary of the liberation of Guam in 1994 when so many thousands of veterans came back, still very tearful, still very appreciative and still very understanding of the unique nature of this battle.

The importance of this particular battle for the war was very important to winning the war against Japan. The defeat of the forces on Saipan and Guam led to the fall of the Tojo government and the recognition in Japan that there was no doubt left about the outcome of the conflict with the United States. "Hell is upon us," stated Admiral Nagano, supreme naval adviser to the Japanese Emperor, and indeed it was as the Marianas was used as the primary location for bombers to take off from airfields on Guam, Saipan and Tinian, Harmon, Andersen, North, Northwest Field, Isley Field, Kobler Field and other names, very familiar to the men of the Army Air Corps, including one of our own distinguished members here in the House, the gentleman from New York (Mr. GILMAN), who participated in many

bombing raids flying out of Guam, flying out of what was then North Field and now what is called Andersen Air Force Base.

The importance of the Marianas as the islands from which to prosecute not only an air war against Japan but as the jumping off points for further landings in the Philippines and Okinawa and Iwo Jima became crucial to final victory. In effect, Apra Harbor on Guam became the forward naval base as Pearl Harbor was effectively moved 3,500 miles to the west. And in the words of the victory at sea treatment of the battle for Guam, it is said that Guam became the supermarket of the Pacific struggle after the recapture in July of 1944.

From Guam, Admiral Nimitz set up his headquarters for the balance of the war. In the island-hopping strategy of the Pacific, the Marianas Islands were not to be leapfrogged since they were an integral part of Japan's defensive structure. The ferocity of the Marianas campaign was an indication of the blood that was to be shed in later campaigns. On Saipan, the Americans encountered a phenomenon that had never been encountered before but they would subsequently see in greater and greater numbers, the site of hundreds of Japanese soldiers and civilians committing suicide by jumping off of cliffs rather than surrendering. At places that are now called Suicide Cliff and Banzai Cliff on Saipan, American soldiers and Marines could only watch helplessly as civilian noncombatants chose death over surrendering to an enemy that they believed would commit atrocities against them. And while sporadic kamikaze raids had been encountered in some air battles, naval air battles, nothing could compare to the mass suicides that stunned the American forces.

All of these factors weighed into the decision to avoid an invasion of Japan and the eventual use of atomic bombs on Hiroshima and Nagasaki. Again as we all know the Marianas played a pivotal role in providing the airfield in Tinian where the bombers loaded with the world's first atomic bombs were launched.

As I have indicated before, there is a special dimension to the battle for Guam which was not present in any other Pacific battle, indeed, any other battle during World War II. If you look at it historically, Guam was the only U.S. territory inhabited by civilians that had been invaded and occupied by an enemy power since the war of 1812.

This special relationship between the liberated and the liberators, the people who suffered and endured and the people who remained loyal and the people who came to liberate them and free them from their occupiers is really reflected in this very, very special portrait. This is a painting of a picture taken by a serviceman who stumbled

onto two young Chamorro boys and liberated them and these two young Chamorro boys have two flags that are basically replicas of what they think an American flag should look like. It was clear that when the servicemen first saw this and they first had the experience of this, it was reported that many battle-hardened American servicemen broke down at the sight of these people and sobbed at the sight of the children with the handmade American flags, imperfect in their design yet perfectly clear in what they were representing. This was these boys' presentation of that same flag which had earlier laid on the ground in Guam and which the Japanese commander waved the flashlight over as a sign of victory.

The people of Guam had endured much during the occupation of their island. There was forced labor, particularly in the last few months as the Japanese hurriedly built defense fortifications and air strips on the labor of men and boys as young as 13 and 14. There was confiscation of food to feed the thousands of Japanese soldiers brought in from Manchuria as garrisoned troops to fight off the invasion. This led to some form of malnutrition affecting all of the population of Guam, especially the children. In a postwar study of the children of Guam, those who were born after the war were on the average two inches taller than those children who were born right at the beginning of the occupation or just before the occupation. Those who had grown to adolescence prior to the war were also taller than the children of the occupation.

And there was the forced marches and eventual internment in camps near places called Maimai and Manengon. Manengon was where most of the people went and Manengon today still is a testimony to that. It has a river running through it, has lots of bamboo, lots of coconut palms, it is a very heavily wooded area. As people were marched, many were shot or bayoneted or executed or beaten for moving too fast or too slow as whole families, young and old, made their way in ox carts and carabao, water buffalos and just on foot and carrying each other. And in the camps, the people stayed for weeks with no food, waiting for their deliverance and hoping that the Japanese would not carry out the threats to kill them all which of course were numerous and in many instances the Japanese did try to carry out some of these threats.

In this entire panorama of experience, there were naturally heroic stories and very dramatic tales. But most experienced the war as a time in which their families were put at risk. My parents lost three children during the war. Two were buried in areas that my mother can remember but which we cannot really find today. My elder brothers and sisters became so ill. One was so malnourished, the stomach

walls almost became transparent. I am the only child in my family that was born after World War II. For most people, this was a very typical experience, a very common experience. For most Chamorros, the war challenged them in these very direct ways.

There is an element to this story which does have a legislative end to it and which needs some resolution to it. A lot has been said about the sacrifices made by U.S. citizens and our allies during the war in the Pacific, World War II. The story that I just told about the people of Guam has not really been fully understood in the context of how, what do you do with the experiences of these people. The people of Guam at the time of the Japanese occupation were not U.S. citizens. They were in a category of people called U.S. nationals. That is to say, they were in political limbo, fully anticipating that one day they would become U.S. citizens. Because they were in this particular situation, in 1948 the U.S. Congress passed a law that compensated U.S. citizens for their experience during World War II, including forced labor and internment. The people of Guam were not included in that legislation because, A, they were not U.S. citizens at the time and there was a bill that Congress had passed in 1945 designed to give them property compensation but not compensation for the trials and tribulations. The way the law that was passed for Guam worked was that if you wanted to make a claim beyond \$5,000, you had to personally come to Washington, D.C. and present your claim to a Navy committee with some congressional involvement. Of course, in 1945 most people on Guam were simply trying to piece their lives together, so not much happened. So what happened with most people in Guam is that the Navy officials who were adjudicating these claims on Guam would simply offer a dollar amount for an injury. In one instance, a real life example, a gentleman got \$90 compensation for loss of his thumb. Another family got \$300 compensation for loss of their father. When the 1948 law was passed, it offered, of course, a whole range of different options and an unending time period in which to resolve these claims that would arise out of the activities of the Japanese government. At the time the theory was that the U.S. Government had confiscated much Japanese property, had frozen all Japanese assets. This was the pool of money through which people who suffered at the hands of the Japanese were going to be compensated. The people of Guam were not included in that legislation.

In 1950, the people of Guam were declared U.S. citizens. A few months later, Japan and the United States signed a peace treaty which then stated that U.S. citizens could not file claims against Japan for the experience of the war. It was kind of a hold

harmless which is very common in peace treaties. So here we have a situation where in a very literal sense, the people of Guam fell through the cracks on this war reparations effort. Because they were not U.S. citizens, they were not included in the 1948 law. Two years later they were declared U.S. citizens, a few months later they were not allowed to submit claims against Japan and they were still not included in the 1948 law. In 1962, this law was then reamended in Congress, but at that time the people of Guam were still not included in the law. There was no representation of anyone from Guam in 1962 here in the House of Representatives. As a consequence, that effort did not include the people of Guam.

So what I have done is there is a piece of legislation which has the support of members of the Committee on the Judiciary. I am proud to say that the gentleman from Illinois (Mr. HYDE) who is himself a veteran of the conflict in the Philippines fully understands and supports this effort. I am proud to say DANIEL INOUE over in the Senate has a companion measure which is basically identical to the measure which has been reported out of the Committee on Resources, which is to create a commission to study the claims of the people of Guam, those who still remain of the original 20,000 who survived the occupation, probably less than 6 or 7,000 remain today as living embodiments of that experience, to study the claims and for the commission to make recommendations regarding that.

I am hopeful that this legislation will see the light of day and that it will bring to light and bring honor and memory to the people who did suffer. Many names come to mind in this effort that we have undertaken and we have tried to move this legislation over many years. I cannot let this rest without again bringing honor to one individual in particular, a young lady at the time by the name of Beatrice Floris who later on married Mr. Emsley, Beatrice Floris Emsley who as a 13-year-old survived an attempted beheading by Japanese soldiers. They attempted to behead her. She felt a thump, she was dumped into a shallow grave, left for dead for 2 days, finally dug her way out, it was a shallow grave so she could still breathe, and for the next 3 days kind of wandered aimlessly until American soldiers discovered her.

□ 2100

The interesting thing about Mrs. Emsley, and she was a great woman, is that she never liked to talk about this experience. Of course, it was a very painful experience. There are not very many people who would survive an attempted beheading. And if any of us have ever seen stories of these atrocities, that was a favored method of execution, simply a big Samurai sword

would come down and basically make a fatal cut in your neck, sometimes decapitating people right on the first stroke.

This young lady at the age of 13 did not like to talk about it. I remember when I was in high school I used to see her, and we would always say, did you get to see Mrs. Emsley's scar? Sometimes young people, not being as sensitive as they should be, would take note of it.

Mrs. Emsley proved to be the most courageous spokesperson for this generation of a very courageous people, because we would ask her to come to Congress to tell her story, and she would. She did so at great personal sacrifice and discomfort for herself, but her words were remarkably free of any bitterness.

She never said anything that could be considered unkind. She never said a hostile word. She only recounted the experience and the brutality of the war and then made a special plea for recognition of the Chamorro people of Guam.

The very first piece of legislation that I was able to pass as a Member of this body, and I did so with the assistance of the gentleman from Minnesota (Mr. VENTO), at that time who was chair of the Subcommittee on National Parks and Public Lands, to him I owe a great debt for helping me with this, and Mrs. Emsley, was to construct a memorial wall of the War in the Pacific National Park.

There is only one national park that is devoted to the attention to the war on the Pacific, and that happens to be in Guam. We did build a memorial wall listing all of the people, the soldiers and the Marines and servicemen, who died in the Liberation of Guam and the People of Guam who died and were injured and who were subjected to force labor interment.

Mr. Speaker, unfortunately, Mrs. Emsley has since passed away. I cannot let any commemoration of the Liberation of Guam pass without drawing special attention to her courage and her dedication and her genuine humanity.

Today, as we try to resolve these issues, it brings attention that Guam has a very important role, not only in World War II, but also today. And as Guam's Representative here in the House of Representatives, as a Member of the House Committee on Armed Services, I have frequently maintained and tell the message that the Euro-centric focus, much of our attention, not only economically but sometimes in terms of strategic vision, is an anachronistic vestige of a by-gone-era.

We often heard the cliché that the last 100 years was known as the American Century, and that the next 100 years will be known as the Pacific Century. After World War II, America's Asian presence was relegated to bases

in Japan and the Philippines and the Pacific Islands.

All of these things have happened since then, the Cold War and Guam's vital part in the Cold War, and also its part as a staging area again for the Korean conflict, as a major B-52 base for the Vietnam conflict, as a very important part of the network of basing and forward presence of the United States in Asia and being a part of the Cold War struggle; now we are beyond the Cold War, but the importance of Guam has, nevertheless, taken on new dimensions as we try to figure out what we are going to do in that part of the world.

Guam is the only American territory on the other side of the dateline that has a \$10 billion military infrastructure. It is the only place where American forces can operate with complete freedom and mobility without having to consult local authorities or foreign countries. It is the place which demonstrates and which continues to demonstrate that America is a Pacific power and an Asian power.

As we contemplate what we are going to do in the 21st Century, and as we determine what is going to be our strategy on strategic vision in the 21st Century, and it would be, I think, simplistic to simply say that China has somehow replaced the Soviet Union, but we certainly need to consider what the challenge of China means to us as we consider all of those elements and all of the areas that could go wrong, that could provide serious involvement of American forces, whether it is things going wrong in Southeast Asia, as we look at what is going on in Indonesia, and the problems with the rebels in the Philippines and the disputes over the Spratlys or the issues that are pertaining to Taiwan and China, or the possibility of a Korean conflict on the Korean Peninsula, which hopefully will dissipate over time; all of that has Guam as a very important part of it.

Even in a more peaceful scenario in the Pacific, if we pull out of Guam, if we pull back from Guam, we are really going to pull out of the eastern hemisphere. We are really going to have to pull back all the way to Hawaii, and that would basically mean that the United States is no longer an Asian power.

In the early part of the 1990s, there was a lot of knee-jerking, I believe, in the military that tended to deemphasize the importance of Guam. The military until recently not only dramatically reduced their presence on Guam, but closed down a ship repair facility, forced thousands of loyal civil service workers to leave the island through very ill-advised commercial outsourcing studies. In order to balance this, we are happy to see that there is a new emphasis on East Asia.

We on Guam recognize that we live in a very important neighborhood where

global stability and economic growth will hinge upon the delicate regional interplay of security, trade and the peaceful resolution of grievances.

The Pentagon's reexamination of the role of Guam within this is refreshing and prudent and necessary. What remains to be seen, however, is whether this renewed look will result in renewed commitment, and that is through budgetary support and concrete action. In any case, the people of Guam stand ready to join the military in a renewed partnership.

July 21, the end of this week, will mark the 56th anniversary of the Liberation of Guam. In Guam, this is the single biggest holiday. Its recognition of the unique nature of the history of the island, commemorating not just the fact that the Marines and the soldiers conducted themselves in a heroic way to defeat what was ultimately a brutal, oppressive enemy, but it is also a commemoration of the fact that the Chamorro people were tested severely; they not only survived, but they proved that they could thrive under the most difficult circumstances.

Mr. Speaker, in that interplay between the Chamorro capacity to survive and the Chamorro capacity to deal with adversity and the fact that the Americans did come back and the fact that the Chamorro people were themselves Americans, it is in that interplay that makes this particular commemoration, I think, unique amongst all the other commemorations of World War II and why it continues to have a very powerful hold upon the people of Guam.

If one can understand the scene of Guam as in Washington, D.C. or any place else here, it is seen as a very isolated community, a very insulated community. All of my days as a child, I looked forward to Liberation Day. We had a great parade. We would see lots of recreations of the war experience. We would see a lot of military people parade up and down. We would see a lot of community floats, and there would just be a lot of spirit of contentment and commemoration mixed with happiness and laughing and also some serious reflection upon this.

We also had at that time the Island's only successful carnival, islandwide carnival. It would be what would be seen here as a county fair atmosphere. All of those things together really cemented our understanding of what it means to be American.

I have to say this with a very strong sense of pride in my people and the people that have brought me here to Washington, D.C. to represent them that they did something that is remarkable, is historical and stands as a great testimony to their potential, their loyalty, their devotion to duty and their commitment and their capacity to survive. As we deal with legislation here in the House, or as we deal

with what sometimes appears to be very mundane matters, when compared to the kinds of sacrifices and tribulations that we pay homage to, at a time when we reflect upon great conflagrations like World War II, it really is with a sense of awe and a sense of deep satisfaction that I am able to represent them.

Later on this week, ironically, there will be a time to review the World War II memorial, which will be built here on the Mall. There is some level of controversy as to whether to build a memorial to World War II. There is some people who are saying that it is an intrusion on the Mall between the Washington Monument and the Lincoln Memorial, and that somehow or another this will somehow change the nature of that.

It is hard to believe and it is hard to imagine that there will be people actually opposed to a World War II memorial, only someone who is totally out of touch with historical reality would fail to understand what World War II means to the lives of everyone alive today in the world.

I do want to point out that there was a particular dimension of the memorial, which was envisioned when the very first memorial was proposed for World War II, it had 50 pillars. I inquired of the people that were building the memorial. I said what did the 50 pillars stand for? They said they stand for each of the 50 States, and this is how we are going to commemorate World War II. I said where is the pillar for Guam? They said that is not a State. It is not part of the thinking that went into it.

I was incredulous, because given just the remarkable story that I have told about the unique circumstance of the battle for Guam and the occupation and then the return of the Americans to Guam and all the unique Americans liberating, in effect, other Americans, that that story for this memorial was now not going to be included. So there proceeded a series of discussions over time.

I pointed out to them your memorial is historically inaccurate. There were only 48 States at the time of World War II. So what does that mean for Alaska and Hawaii? You said you are not honoring territories, but Alaska and Hawaii were territories at the time.

So after a series of discussions, we have now settled on 56 pillars. I am very happy to report that at least we had a little bit of a victory in getting people to understand the true impact of World War II and the true dimension of all the contributions of all of those people who live under the flag and who participated in a very direct way in World War II.

□ 2115

#### COLORADO AND ITS NATIONAL PARKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, tonight I want to talk about a number of subjects but before I do, first of all, I want to address the preceding speaker, the gentleman from Guam (Mr. UNDERWOOD). I thought his comments were excellent.

I would like to note that my father, who now lives in Glenwood Springs, Colorado, fought off Guam when he was 18 or 19 years old, and we are proud of him for that. Three times a week, I guess, they would fly off to bomb Japan. He is one who I wish I would have known the gentleman was making his comments this evening. I would have had my father tune in. He would have enjoyed the gentleman's comments.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Guam.

Mr. UNDERWOOD. Yes, I have met the gentleman's father, and it is with a great source of pride that I continue to meet many people that were touched by the battle for Guam, and on behalf of the people of Guam I want to acknowledge the gentleman's father's efforts and thank him very much for participating in the history of Guam.

Mr. MCINNIS. Mr. Speaker, the comments of the gentleman from Guam (Mr. UNDERWOOD) were excellent. I appreciate that.

I also this evening wish to pass on my condolences to the people of the State of Georgia and to the people throughout this country who knew Senator COVERDELL who passed away earlier today. It is a sad moment back at the U.S. Capitol when there is a person who is really a gentleman and a scholar and a dignitary within his own ranks pass away. I know that the Senator has gone on to a finer life, as we all dream of, but his acknowledgments and his achievements while he was a United States Senator, while I had the opportunity to work with him as a House Member, are tremendous. He will not be forgotten. He will be long remembered in these chambers, and in his own chambers over on the Senate side.

So for the Members and citizens of the State of Georgia and for all citizens of the United States, Georgia, your loss was our loss and we pass on our deepest sympathies.

Mr. Speaker, this evening I want to talk again a little bit about Colorado. I want to talk about how a community has come together. A community of ranchers, a community of environ-

mental people, a community of business leaders, a community of regular citizens, a community of water experts have come together as a team and tomorrow we are about to pass out of the Committee on Resources one of the most significant bills to come out for the State of Colorado in many years called the Colorado Canyons Bill.

In order to set you up this evening so that you can properly follow me through this bill, which I think by the way is very interesting, I do not think you will be bored at all this evening, I first of all would like to just give a little preamble, as you might say, or some basic facts for you to consider.

First of all, the bill covers an area in the Third Congressional District of the State of Colorado. That is the district that I represent here in the House of Representatives. The Third Congressional District of Colorado is well-known throughout the United States. It contains all or most all of the ski resorts in Colorado and has many communities known throughout the United States, communities like Aspen, Colorado, some of the world class skiing; communities like Telluride, Colorado, with some of the most beautiful mountain terrain you can find; Beaver Creek, Colorado; Vail, Colorado; Steamboat Springs, Colorado; Glenwood Springs, Colorado; Durango, Colorado; Grand Junction, Colorado, numerous ski areas and many of the constituents of my colleagues have probably rafted on the Colorado River, the Rhine Fork River, up in the Green River or on the White River or on the Blue River or in the Arkansas River. All of these rivers have something to do or originate, many of them originate, and certainly they all flow through, the Third Congressional District of Colorado.

There is something else very unique about the State of Colorado and the Third Congressional District in that the eastern border, and I will show this on a map later on if we have an opportunity to get into multiple use, but on a map that I will show you later on from the eastern border, which simplified as a description, is basically a highway called the I-25 interstate from Wyoming to New Mexico. The Third District, by the way, is larger geographically than the State of Florida, but on that eastern border, clear to the Atlantic Ocean, there is very little Federal land ownership, but from the eastern border of this Third Congressional District to the Pacific Ocean there are huge amounts of Federal land ownership.

As a result, when we deal with land issues in the West, we deal with much, much more with what is called public lands. In the East, you do not deal with the public lands near, not even close to the extent that we do in the West. It is simply because you do not have a lot of them in the East. So the circumstances

in the East when it comes to public lands are different.

In my opinion, a lot of understanding of the people in the East, and this is not, by the way, a criticism of the people of the East, it is simply kind of an educational basis to let you know that we have to spend a lot of time in the West trying to educate our colleagues in the East. There is something that you have to know about public lands, and public lands, if it has one positive, really positive thing about it, is any time action is taken it really requires much more of a team effort than if you are dealing just with private properties.

Now in the Third Congressional District, it is unique in the State of Colorado as well because of its water resources. In the Third Congressional District of Colorado, we have 80 percent of the State's water resources. Outside the borders of the Third Congressional District in the State of Colorado, we have 80 percent of the population. So you can see that water is a constant, a constant asset that needs to be managed, a constant item of debate. Not only that, the Third Congressional District supplies water not only for the rest of the State of Colorado, but it also is a supplier of water for many, many States in the union and it also includes the country of Mexico.

Now, water is important. Out in the West, it has been often said that the people in the East sometimes think it rains in the West like it does in the East. It does not. In the West, we are a very arid State. In the West, we really have, for the most part, as much water as we can possibly use for about 60 to 90 days. That is called the spring run-off, but after that run-off, in the West, if we do not have the capability to store the water we do not get the water. So water storage is a critical element of survival in the West, and water storage with Federal facilities or water storage on public lands is necessary, not because we randomly decided that we wanted to put it on government lands but because we have no choice.

Most of the lands out there are owned by the Federal Government or the State government or the local government. For example, in the East, if you want to go and have a pipeline built or a highway built or you want to put a fence up, you go to your local city council for your planning and zoning or you go to your county or you go to your state. Most of the time, though, it is a local authority that you go to.

In the West, in many, many cases, when we have to do something like that, we end up going to the Bureau of Land Management, to the U.S. Forest Service, to Washington, D.C. It is here many, many miles away that planning is done for the lands of which we live on out in the West. So it does require a team effort, and the Colorado Can-

yons Bill is a result of a concentrated good faith effort by many, many different people.

So tonight my first subject is to kind of walk us all through the Colorado Canyons legislation, legislation which, as I mentioned previously, will be up in committee tomorrow; I am confident will pass with strong bipartisan, strong bipartisan support, and I would hope would be able to pass these chambers next week on suspension so that we can take it to the Senate where Senator BEN NIGHTHORSE CAMPBELL has agreed to carry the bill throughout the Senate, and I think we will meet with the same type of success. So let us talk and begin our adventure with Colorado Canyons.

Grand Junction, Colorado, located in the western part of the State of Colorado, a community of about 90,000, has a magnificent national monument adjacent to it. If you are a resident of Grand Junction, Colorado, you can actually access the national monument from anywhere in Grand Junction at the most in 15 minutes. For many people, you can access the national monument in less than 5 minutes.

The painting that I have displayed to my left is a water color painting that hangs in my office that demonstrates just exactly what the Colorado National Monument looks like. It is magnificent, and if you have an opportunity to go to Colorado it is worth the trip to go to Grand Junction just to see the Colorado National Monument.

Let me say, by the way, as kind of a little plug for the State of Colorado and the Third Congressional District, we have many national parks; the Colorado Rocky Mountain National Park. We have national monuments, the Great Sand Dunes National Monument; the Mesa Verde National Park down in the southwestern corner; the Black Canyon National Park, a new national park over near Gunnison, Colorado.

If you really want to see some beauty, go to Colorado, but on your way go see the Colorado National Monument. This is a good demonstration. The rock structures that you see in the national monument, I would guess that rock structure there is probably 300, 400 feet high, and the echoes that you can hear through the canyons and up on top appears an area that we call the Glade Park area. It is beautiful. Believe it or not, it looks like kind of a desert setting down here amongst these rocks, but as you get up on top on the mesa it is very, very heavily wooded with aspen trees and lots of water. It is beautiful up on top of the Glade Park.

The Grand Mesa, by the way, is another area just opposite of it that you would also want to visit if you go to Grand Junction.

Well, our key is that this national monument we in our local community take great pride in that national

monument. We also have excellent community relationships with the Park Service who runs the national monument. We also have excellent community relationships with the Bureau of Land Management which manages the Federal land outside the boundaries of the park, and in some areas the U.S. Forest Service, of which we also have excellent community relationships with, in the West when the government, when the Federal Government, is on these public lands they find that most cooperation is reached, the highest level of cooperation is reached, when you take the time to sit down with the local people and listen to them and talk with them and live in their communities and live the kind of life they live.

As you know throughout the history of this Nation, ever since the Homestead Act and the days of the early pioneers in those mountains, we have found that there is a high level of cooperation that can be reached. Generally when that cooperation begins to fall apart is when an outsider comes in and thinks they know best. Now in some cases some outsiders can come in and they have a positive contribution to make to our effort, and they want to participate and they are entitled to participate, but it is when we get somebody in there who thinks they know better, who does not understand the nature of living on public lands, who does not understand the impact of what public lands does to a community, both the positive impacts and the negative impacts. Well, the Colorado Canyons bill really began as a result of some people who wanted to take the Colorado National Monument, and I will put a poster up with that. This will give us a little better idea of the geography that we are talking about. Right here this would be Grand Junction, Colorado. Over in this area right here is the Colorado National Monument. Well, what had happened is that for some reason, and I am not sure why, but a group of people or one individual or a few individuals decided that what should happen is that the Secretary of Interior should expand the boundaries of the Colorado National Monument to take in, we are not sure exactly what the exact borders were but pretty much this entire area and expand the national monument.

Now some of the justification for this theory of expansion was the fact that it would be better under Park management. This is all Federal land right in here. The white, by the way, is privately-held land. That to expand the monument into this area was necessary because the Bureau of Land Management perhaps was not capable of managing the land the way that it should be managed.

Frankly, that was a bunch of hogwash. Some people say, well, the BLM and the Park Service they do not get

along out there. We ought to put it all under Park Service oversight. That, too, was a bunch of hogwash. In fact, the border between the Colorado National Monument and the area in the yellow, in other words this area in purple and the area in the yellow here, that is perhaps the friendliest border between the Park Service and the Bureau of Land Management that exists in the country. We have great people out there with BLM and with Park Service and they have good cooperation.

□ 2130

It is not necessary to expand that monument in my opinion. But not long ago, several months ago, the Secretary of the Interior, Bruce Babbitt, came to Grand Junction and announced that he would like to see the Colorado National Monument expanded. I felt that the Secretary listened to what people in the community had to say, he had an open forum, he was very receptive, to the best of my knowledge. Let me say that many of my colleagues know that my relationship with the Secretary of the Interior is, at times, rocky, but nonetheless I respect the fact that he came in person to Grand Junction, I respect the fact that he had a forum where people in the community could ask him, why do you want to expand this monument? What is broken out there that needs to be fixed? I appreciate the fact that the Secretary, in meetings with myself, in meetings with local people, community leaders, people that were just interested in the community, expressed a period of time that he would allow to go by before he actually implemented an expansion of that monument.

In other words, what the Secretary said was, if you as a community can put together a better proposal than expansion of the monument, I will give you an opportunity to do that. You sell me on the proposal. You convince me that this proposal is better than what I am doing, and I do not have pride of authorship, the Secretary says. He says, I am willing to look at what you have to offer. That was a challenge that we accepted wholeheartedly. But we had a number of different issues to deal with, and let us go through a few of those issues.

First of all, let me explain the geography. We already know from my earlier comments that the City of Grand Junction is here. We know that we have the Colorado National Monument up in this area. Let us start down here in these white areas. This is the Mesa of which I spoke. By the way, we have wonderful herds of elk up there, lots and lots and thousands of acres of Aspen trees. I mean it is a very lush type of setting. Very green, heavy snow in the winter, a wonderful place. But these white spots, this is the private property.

Mr. Speaker, what is critical up here is that the majority of this property is owned currently by a handful of ranchers. These ranchers are not the kind of ranchers who we would call gentleman or gentlewoman ranchers who really are not ranchers, they just own the property and fly in on a private jet every once in a while to see the property; these are people who have worked those ranches, in some cases like the Gore family or the King family, who have been up there for generations. But the viability of their ranches as a result of the fluctuating cattle market is in question.

The only way that these ranches can continue to operate as ranches, thus reserving the open space that all of us enjoy, that we want to preserve up on that Mesa; we do not want that to go into a housing subdivision or into a commercial retail shopping center. But in order to preserve it, these ranches have to continue to be viable as ranching operations. If they cannot continue their viability as ranching operations, the only logical option remaining is for them to subdivide the ranch into 35-acre ranchettes.

By the way, it would be nice to own some land up in this area. It would be beautiful. A lot of people, they would not have any trouble, those ranchers would not have any trouble; in fact, they would probably have to put an auction up or have people draw out names of a hat to see who got to buy one of the 35-acre parcels up there on top of the Mesa.

So when we entered the Colorado Canyon proposal, when we began to put this together, one of our primary goals was to protect the ranching community. Some of the people who are activists in the environmental community agreed with this. They understood our goal here is one, to preserve the character of the ranch; and two, to avoid putting in subdivisions and, instead, holding open space.

But as we began to study the problem with the Warren Gore family, and Warren himself was very dedicated to this, he spent a lot of time with us, and I thank Warren when I see him back in Grand Junction on a regular basis. But I say to my colleagues, what we found when we began to study what was going on up here and how we keep these ranches viable, we discovered that a couple of the ranches have grazing permits in this wilderness study area, what we call the Black Ridge Canyon Wilderness Study Area.

Now, what is a wilderness study area? A wilderness study area is an area that for all practical purposes is treated as if it is a wilderness, and a wilderness is the most restrictive designation that a government can give a piece of property.

Mr. Speaker, just for a moment, let us talk about designations that the government can give to property. The

government is a landowner. Imagine the government as the largest ranch owner in the United States and they have a fiduciary duty to manage that land, just like my colleagues would manage their own land as a rancher or as a homeowner, or if one owned any kind of property, they manage it. The government, obviously, wants to have a number of different options, a number of different management tools under which to manage this land, and they have many, many, many, many, many tools. They have national parks, national monument areas, special areas, wilderness and national conservation areas. There is area after area that allows flexibility, various elements of flexibility, allows various elements or input from the local community, allows various types of activities.

For example, Lake Powell is managed much differently than a lake on top of the Flattop wilderness area. All of this range of management tools spans a spectrum. At this end of the spectrum, which thank goodness we do not have much of anymore, is just kind of a free-for-all, let anybody can go in and homestead or do anything they want on Federal land. Those days are long gone. But at this end of the spectrum, the one tool that is the most restrictive tool that should be used only with extreme caution is called the Wilderness.

Wilderness designation, after it is put in place, no longer allows local input, takes no State input, takes no congressional input, with the one exception that Congress can overturn the wilderness area, which politically, obviously, would never happen, so it is the one tool out there that locks itself out of flexibility. It is locked forever politically and, in reality, it is locked in forever. Now, that is okay under appropriate circumstances.

But while we study whether or not, because it is such a dramatic step to put land into this Wilderness designation, we study the area first, to make sure that we are making the right decision, because every one of my colleagues on this floor understands that once we put it into Wilderness, we will never take it out of Wilderness. So before we do it, we need to be sure we know what we are doing. It is kind of a fundamental, basic requirement.

So what we do is we put it into what we call a study area. Let us study it. Let us look at all of the environmental factors, the ecosystems, what are the roads, et cetera, et cetera, before we put it into Wilderness. That is exactly what this area is right here, it is a Wilderness Study Area. In that Wilderness Study Area, now going back to my point about keeping these ranches viable so that we can keep this wide space as open space, which is what we desire to do in our community, in order to continue to allow these ranches to be



viable, our group came to the conclusion that we have to protect these grazing permits.

Now, many of us have heard through propaganda, frankly, that grazing is bad, and every cattle rancher out there is bad. That is about the most irresponsible statement I have ever heard. There are a lot of responsible ranching families and they have been there for a heck of a long time out there in Colorado, in Wyoming, in Utah and in the west, and there is a lot here in the east, farming and ranching families. I will tell my colleagues, 99 out of 100 times we will find that they are quality people. Frankly, they live the kind of life many of us dream of living. They are good, solid people and they have every right to exist.

These grazing permits, these are permits that have been handled very responsibly. These are grazing permits of which the Bureau of Land Management, which oversees the management of these permits, has no complaint. The relationship between the Bureau of Land Management and the Warren Gore family, or the Doug King family, or some of these other families, is an excellent relationship. In other words, we do not have anything broken up there.

So the first thing that our community decided was, as a community, we can support the continuation of grazing in this Wilderness Study Area. So as a community, we want that as an element of the Colorado Canyon bill.

Now, the next issue that we looked at, and again, taking a look here, what we have, this mark right here is the I-70 Interstate. This is the Utah-Colorado border. This is going to be very important, because as we can see, our Wilderness Study Area down here comes into Utah. So the other thing that the group wanted to decide was look, we need to correspond with our good neighbors to the west, the State of Utah. By the way, Utah is a great State, the second-best State I guess in the union, but I will say all kidding aside, we have an excellent delegation representing the State of Utah.

So our community felt that we should communicate and work with the delegation out of Utah to see what we could do with this Wilderness Study Area. I will tell my colleagues, the cooperation from the Utah delegation has been excellent. And they have said, hey, we have an idea. We think we can incorporate this area into the Colorado Canyon bill, and they have done exactly that, with an alternative.

So, once again, our community is able to seek and accept cooperation. This time, we cross State boundaries. Here, we cross the traditional boundary of private and public lands. Here we cross the boundary of State borders. Now, we go up here. This highway right here is Interstate 70. It is the highway which goes across the State of Colo-

rado, now, remember, right here, against the Utah border.

On this side of I-70 we have an area called Rabbit Valley. Once again, we need to focus on what is happening in Rabbit Valley. Rabbit Valley is not in the Wilderness Study Area, but Rabbit Valley has quickly become a very, very popular attraction for mountain bikers, for horseback riders, for people who want to go down to the river and fish, for people who want to hike, for people who just want to go out and have a picnic with their families. It has become a recreational area of many uses. I can tell my colleagues that most of the people out there, by far, have used the area responsibly. We have not had great abuses out here in the Rabbit Valley. However, we have had increased activity, and the activity is reaching the capacity, it has reached the point where we need some management. We need to coordinate the activity so that we do not overuse the land, so that we do not overcapacitate the land.

Now, some people would say to us, the best way to do it is kick the users off the land. No more horseback rides, forget the mountain bike riding, which is probably the most popular use out here in Rabbit Valley; tell the hikers they cannot hike anymore; tell the families that want to have picnics not to come and have picnics anymore. These are public lands and we want them off the public lands. That is not a viable answer.

The people in our community which, by the way, again included the environmental community, the business community, the chamber community, our county commissioners of Mesa County who have done an excellent job, our city council of the City of Grand Junction, our 2 elected State representatives, our State Senator, all of these people in the community have come together to make this thing work, and we have decided as a group, hey, let us protect these uses. How do we begin to manage the land? How do we make sure we have not overcapacitated?

So we decided, let us put in what is called a National Conservation Area, which allows us to protect the land, but at the same time preserves the multiple use concept, the right for multiple uses, many uses on the land. By the way, in Colorado and in the west, whenever one enters a forest or Federal lands in the west, when I grew up, for example, you are now entering the White River National Forest, a land of many uses. So by community cooperation, by the designation of a National Conservation Area in our Colorado Canyon bill, we were able to preserve or put this as a National Conservation Area, so it would include all of this area, not just north of I-70, but south of it as well, to the river.

The river. Let us talk about Colorado water. The district, the third congres-

sional district, as I mentioned, 80 percent of the State's water comes out of there. This is an area, this district, that part of the Colorado, that district is an area of immense water resources.

Mr. Speaker, water is very sensitive. It has been said that the lifeblood in Colorado is not blood, it is water, and there have been many battles fought over water in Colorado and in the west.

□ 2145

And here water is a critical element because this is the last few miles of the Colorado River, called the Mighty River, before it crosses the State boundary. It is a critical water resource for the people of the State of Colorado.

Colorado, by the way, just for my colleagues' interest, is the only State in the Continental United States where all of our water flows out. We have no free-flowing water that comes into Colorado for our use. So water is a high sensitivity of which we must observe. So, of course, with the committee, we decide what should we do about the water.

Now, water is a critical resource, and as far as I was concerned, when we put this Colorado Canyons bill together, the water was simply nonnegotiable. It is my duty, as a representative of the State of Colorado, to stand, as long as I stand, on behalf of water in Colorado. Water is a critical element, as I said earlier. It all goes out. We have no water that comes in. And, frankly, a lot of the States where my colleagues reside would like to get their hands on that Colorado water. It is a wonderful resource. So we have an obligation to protect that water.

But here we have the Colorado River going right to the center, so to speak, right through the center of the area that we want to encompass in the Colorado Canyons bill. What do we do about it? We brought the community together. We brought in experts. We called people like my good friend, and one of the leading experts of water in Colorado, Chris Treese of the Colorado Water Conservancy District; we called Greg Walcher, the former head of Club 20, who now heads the Department of Natural Resources for the State of Colorado; we called Tim Pollard of the Colorado Department of Natural Resources; and we asked the governor of the State of Colorado, Governor Bill Owens, who has long been a strong supporter of water in Colorado and a strong supporter of the western slope, to come in and as a team give us water expertise.

Because, frankly, what we had was, we had some people in the environmental community who wanted to include the Colorado River in either the wilderness area or in the national conservation area. And, on the other hand, we had myself, and I said, no, the water is simply nonnegotiable. We will not

allow this Colorado River to go into a wilderness area and be overlapped by a wilderness area or be overlapped by a national conservation area for one simple reason: We do not understand what the unintended consequences of putting this river, especially the last 15 miles before it crosses the State border, we do not understand what the future consequences of that will be. And when we deal with water in Colorado, we do not put some kind of imposition on water or some kind of legislation dealing with water unless we have a pretty darn clear understanding of what the consequences of that designation will be, because water is too valuable.

So we brought in the experts. I sat down with the Secretary of Interior, and he was very good. We had good sessions. We had good negotiations with the Department of the Interior. And the result was just like the result that we had with the grazing permits up here on top and the ranchers; just like the result we had with the users of the Rabbit Valley. We were able to reach a consensus and we kept the Colorado River out.

Now, the Department of the Interior did not have any intention of trying to secure through some covert action water rights. I took them on their word. But what they did not want is they did not want development along the river shores. They did not want a coal mine down here, for example. They did not want somebody setting up some kind of an excavation gravel pit here on the river for some reason. And we agreed with them on that. It is not my intent to have any kind of use like that on those river banks.

For those of my colleagues who will ever get the opportunity, and it is really not just an opportunity, it is a privilege, to go down that river on a raft, they will see why it is certainly not an appropriate spot for any kind of development like that.

So we were able to come together. We met my fundamental requirement, and that is that the Colorado River was nonnegotiable; that the Colorado water belonged to the people of the State of Colorado, and that the Colorado water should be preserved in the future for the people of the State of Colorado. We met that requirement and at the same time we met the Interior Department and Bruce Babbitt's requirement or desire that we not have mining exploration or any type of development along that line on the river banks. So we were able to come to a resolution on the river.

What was happening was the package was coming together, and this was in a very short period of time. We also had a number of other people; Stan Broome, with Club 20, who came in and helped us put it together at the end. We had, of course, the city councils. As I mentioned, the city councils of Grand Junction and Fruita came in. Fruita

has their reservoir over here. Fruita has a pipeline that brings out water up here off the Glade Park area down to their community. Fruita would be about right over here in this area. And they came together and cooperated with us. Palisade; Clifton. We had a very unified effort out there in Colorado. We had the Auberts, the Albert ranch out here, they came in and helped us with some of the other issues.

This negotiation went back and forth with the Department of the Interior. And I can tell my colleagues that we also had lots of cooperation from not only just the Utah delegation but also the Colorado delegation. And when this bill went for its first hearing in front of the Natural Resources Committee, we had the chairman, the gentleman from Utah (Mr. HANSEN), who bent over backwards to help us out. And the gentleman from Utah (Mr. CANNON), whose district borders, who said why not go ahead and amend it so we can put together something on the Utah side. They care about that area on the Utah side. That delegation wanted the kind of protection that we could do.

So what do we do now with this wilderness study area? That is the final segment. How do we put this bill together by addressing the wilderness study area? Once again, we bring our community together. Once again we brought people like Jeff Widen out of Durango, Colorado, who I think is one of the most balanced, level-headed environmental activists in the State, and we sat down and said how can we do this. What conclusion did we come to? We came to a conclusion that said let us put it into wilderness. We have studied this area; we know this area has many of the characteristics of wilderness, so let us go ahead and put it into wilderness.

And not only that, the State of Utah, the delegation from Utah, who on many occasions unfairly, just like us in Colorado, are unfairly attacked by some people who claim to own the entire environmental agenda, these people are the ones who stepped forward and said let us go ahead, this probably would make sense, let us convert this wilderness study area right here in Utah and let us keep it molded together and let us convert this to a wilderness area.

We have a package. We have got a package. We have got a package that makes sense, and that package will be heard tomorrow, and that package will pass the U.S. House of Representatives and it will pass with bipartisan support. It will pass with strong support from the Colorado delegation. The gentleman from Colorado (Mr. HEFLEY) is a sponsor on the bill. The gentleman from Colorado (Mr. UDALL), Democrat on the other side, has worked with us. He and his staff have worked with my staff. And by the way, my staff has

done yeomen's work on this bill. They have worked together to make this thing come together. Other colleagues in the delegation, the gentlewoman from Colorado (Ms. DEGETTE), the gentleman from Colorado (Mr. TANCREDI), the gentleman from Colorado (Mr. SCHAFER), have all come together to put this together, to mold it and to have a bill that is going to work. And it will pass the Senate as well.

I want my colleagues to know that this is how in the west, when we have public lands, this is how we ought to work as a team. This is how a community ought to be able to offer some input.

We have had a couple of colleagues on the House floor here, for example, who have gone out and asked for a wilderness corridor all the way from Canada to Mexico. And with due respect to my colleagues, I am not sure they have ever been up there. I am not sure they understand the consequences.

We have another group of people out in Colorado who went out, the National Wildlife Federation, they had secret meetings and they went out and decided, well let us take the northwestern part of the third Congressional District of Colorado, and let us go ahead and go to the Secretary of the Interior, Mr. Babbitt, and let us have him expand the monument up there. Who cares about community input; we do not need community input. And they did not seek any community input.

And, guess what. The proposal they have come up with is faulty. Why? Because they did not do what our community in western Colorado did. They did not build their bill based on a community coalition, on community effort, on community input. We brought in the wildlife experts. And, by the way, the division of wildlife helped us a great deal out here in this area right here, the light purple area there. We brought in our county commissioners. We brought in our elected officials. We brought in our leading citizens in our community. We brought in regular citizens who did not hold offices. We brought in our ranchers. We brought in our rafters, and our mountain bikers, our horseback riders, and we brought in our hikers and families. And it works.

So my message tonight really is twofold: Number one, let the local communities out in the west work on solving these problems. Listen to the input of the people who live the life of the west. Listen to them when making decisions back here in Washington, D.C. regarding public lands. They have something to say. Listen to them. Let people in the west be a major part of the decision of how we manage lands in the west.

And, number two, for those groups that decide that they know better, for those people who think they should avoid community involvement, for

those people who want to make an end run around and put designations on the people of the west without input, without guidance from people in the west, they are making a big mistake and they are making a mistake that, even dealing in good faith, has consequences which they cannot imagine. We cannot allow that to happen.

This is the way, in my opinion, to proceed in the west. Just like the Colorado Canyons bill, this is how we succeed. This is how we build a bipartisan effort. And this will succeed.

Now, on the subject of the Colorado Canyons bill, for those of my colleagues that are interested, we are going to have it in committee tomorrow. I have talked with our majority leader, who also has been very cooperative, obviously the leader of the House has, about putting it on suspension. We should have it next week on the House floor. So for those of my colleagues who are interested, they are welcome to attend the committee meeting.

In my final few minutes, leaving the Colorado Canyons bill and leaving the area and the subject of the designations in the northwestern part of the State, let me talk and kind of go into a little more detail about some points I referenced earlier, and that is the difference between the western United States and the eastern United States. And the best way to do that is to show my colleagues that there is a dramatic difference, as demonstrated by this map.

Take a close look at this map of the United States. We can see that there is a distinct difference out here. This is all colored in the west. And right here, as I point out, this is the State of Colorado, at the end of the pointer. This is the line, roughly the line of the third Congressional District. That is the district I represent, which, as I mentioned earlier, geographically is larger than the entire State of Florida.

□ 2200

And you will note from our eastern boundary clear to the Atlantic Ocean, all of this land out here, very little Federal ownership. You can see it is represented here. We have a little heavier in the Appalachians. We have the Everglades down here, some up here in the northeast. But, basically, some of these States are very, very sparse as far as any government lands.

But now look at the border and come West and you will see the huge amounts of government land. Most of the public lands in this country are not diversified around the country. In fact, they are a conglomerate in the Western States. And so, when people in the East talk about public lands, we in the West urge them to take a very careful look at what the life is like.

Many of our communities, if you have ever been to Aspen, if you have ever been to Vale, if you have ever been

to Grand Junction, if you have been to Salt Lake, if you have ever been to Wyoming, you are surrounded by public land.

Now, how did that happen? What is the history of public lands? It is really quite simple. In the early days of the country when we were trying to settle, remember, our country basically existed over here on the eastern coast in those colonial days and early days of the 1800s up to about 1840, that is primarily right in there. And then our country began to make land acquisitions. But back then, in the early days, having a deed to a piece of property did not matter much.

What really mattered was possession of the property. That is where, for example, the saying "possession is nine-tenths of the law" that is where that saying came from. We needed to possess this property and somehow our leaders in Washington, D.C., needed to encourage the people who lived in relative comfort here on the eastern coast, they needed to encourage these citizens to help us settle the West to help us get possession of these States.

And what is the best way to encourage people to move out of the comfort of their homes into the West, where, by the way, your average life span was probably 30 years or so, to give them land. The American dream is to own your own piece of property. Every American dreams of owning a home.

Americans back then, 98 percent of our population was in the farming or agricultural community. They dreamed of having a ranch or a farm of their own. And so the Government said, hey, the way to get people to move from the eastern coast into these new lands that we have so we possess them so another country does not take them from us is to give them land, called the Homestead Act, called homesteading.

What was that all about? They go out and they work the land and they get 160 acres. But guess what happened? Once they hit this area right here where you see the big blocks, they discovered out here in Kansas or even in eastern Colorado or Ohio or Mississippi or Missouri or Louisiana, some of these other States, 160 acres can support a family. But when they hit the Rocky Mountains, they found out 160 acres does not even feed a cow.

So they went back to their think tank in Washington, D.C., and said, hey, our attempt to settle the West works very or pretty well until we get out here. What to we do?

Somebody came uprise the idea, well, instead of giving them a homestead of 160 acres or 320, let us give them the equivalent of, say, 3,000 acres. The people thought about it and they said, that is too much politically. We cannot give 3,000 acres to every citizen that goes out in the Rocky Mountains.

So then came up the idea, hey, as a formality, why do we not, the Govern-

ment in Washington, D.C., instead of having to give away so much land to support just one family, why do we not as a formality just continue to hold the title to the land and allow the people to use the land.

That is where the birth of what is called multiple use came. Multiple use means it is a land of many uses. And our lands out here have many uses. We have uses on environment, we have uses of ranching, farming. All of our highways come under federal lands. Our waters is stored upon, it comes across or originates on federal lands.

As I said, our cellular telephones, the towers, most of those are located on public lands. When we go through the mountains and you see those lights up on the top of the mountain, the radio tower, that is how we get our communication. All of our trucks, our traffic, our cattle, we use the public lands. We have a responsibility to use them in a responsible fashion. It is a duty of ours. And I think overall we have exercised it pretty well.

Now, there is a heavy propaganda effect by people who feel no pain, they feel no pain if they do not live in the public lands to kick us off the public lands or to restrict the multiple use or to convince the people out here who are not acquainted with the federal lands that those of us who live in the federal lands are abusing the federal lands, that we are clear-cutting all the forests, that we are putting up coal mines, that our ski areas are abusive, that our mountain bikers have ridden too many trails, that our horses are creating too much disturbance to the wildlife, that our rafters have taken over the rivers and demolished the ecosystem of the rivers. It is not true.

Clearly, we have advanced use. Clearly there are more people who are enjoying the outdoors of the Rocky Mountains than ever before in our history. Obviously, we have to manage it and we have to manage it with the preservation of land in mind. But we also have to manage it without a built-in anti-human bias.

The concept of multiple use is absolutely essential for the survival of the people in the Rocky Mountains in the West. If you take away that concept of multiple use in the West, you will devastate, and that is not an overestimation, I am not exaggerating here, you take away the concept of multiple use, you do what some of these more radical environmental organizations want to do, for example, the National Sierra Club wants to drain Lake Powell, which has more shoreline than the entire Pacific West Coast, now they have announced they want to drain Flaming Gorge, you allow some of these organizations, which, ironically, are all located up here in the East, you allow them to pursue their aggressive agenda of eliminating and pushing people off these public lands and look at what

you are doing to about half of the country.

It is easy if you do not live in these public lands, if you live out here somewhere, it is easy for you to say because you feel no pain, it is easy, my colleagues, for you to agree with policies that, for example, have broad sweeps of taking people off the lands and designating areas that are not allowed or have a built-in anti-human bias to it.

What I urge my colleagues tonight and the reason I bring up multiple use is the same reason I bring up water. In the West it is essential for our survival. In the East you have got to figure out how to get rid of your water. In the West we have got to figure out how to preserve it, how to conserve it, how to store it. Water storage is critical.

Out in the West, if we are not allowed to use the public lands and use them with the responsibility of being diligent in our use, of making sure that we observe the rules of preservation but being able, nonetheless, to still use them is absolutely essentially for our preservation here in the West.

And so, my colleagues, before you cast a vote dealing with issues in the West, try and get a feeling of our pain, try and understand what the consequences, or even more dangerously, what the unintended consequences of your action will be for the people of the West.

Remember, the United States does not start here on the eastern border of the Third Congressional District and run to the Atlantic Ocean. The United States is one country and we have an obligation in the West to understand the problems and the issues of people in the East. And the people in the East we feel have an obligation to understand the issues in the West, which include the water issues, which include the concept of multiple use, which include the concept of involving a community from the very basic level up before you draft legislation expanding a monument like we have done on the Colorado canyons.

As a team, we can move this country continually in a positive direction. And as a team, the East and the West can mold together. But it will only mold together, my colleagues, if those of you in the East have a good understanding of our lives and what are necessary to preserve our lives in the West.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106-757) on the resolution (H. Res. 554) waiving points of order against the conference report to accompany the bill (H.R. 4576) mak-

ing appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4118, RUSSIAN-AMERICAN TRUST AND COOPERATION ACT OF 2000

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106-758) on the resolution (H. Res. 555) providing for consideration of the bill (H.R. 4118) to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106-759) on the resolution (H. Res. 556) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1102, COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2000

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106-760) on the resolution (H. Res. 557) providing for consideration of the bill (H.R. 1102) to provide for pension reform, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Flor-

ida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor of the House tonight to address the House on the topic of illegal narcotics and drug abuse, the problems that it presents for our whole Nation, the challenge for the United States Congress.

I would be remiss, however, if I did not comment for just a moment tonight on the passing of our dear colleague in the other body, the United States Senate, the gentleman from Georgia, Mr. PAUL COVERDELL, who passed away today.

Certainly, our hearts and prayers are with his family at this time and the whole Congress mourns this great loss, his many contributions I know in the war on narcotics. I know in the war on narcotics there was always a true leader and friend who we had the opportunity to work with. His presence will be sorely missed by the entire Congress, I know by the state of Georgia that he so ably represented, and by the American people for his dedication to our nation.

So our heartfelt sympathy is extended to the State of Georgia and his loved ones as they now cope with this tragic loss. And we have indeed lost one of the fighters in our war on narcotics, illegal drug trafficking, and the problem of substance abuse.

So, with those comments, again, we mourn this great loss to this esteemed institution and again to our country.

Tonight, as is customary for me as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, I attempt to use this special order and usually try to take an hour and discuss some of the problems and challenges we face with the problem of substance abuse in this country, with the problem of illegal narcotics, the problem of drug and illegal narcotic production and trafficking that has affected our entire Nation, that has affected every city, every community small, large, rural or urban.

Almost every family in America has been affected by substance abuse and the ravages of illegal narcotics. I always cite that the most recent statistic of 15,973 Americans have lost their lives as a direct result of illegal narcotics. And those are again the numbers in direct death.

Our drug czar estimates that over 52,000 Americans have died in the last year because of substance abuse, illegal narcotics direct, and indirect results. And the toll does go on and on.

Again, so many families are tragically affected. It is not only a cost in lost lives but a cost in our economy in the third of a trillion dollar range each year, a loss of jobs, and also of income, the glutting of our judicial system, our jails with nearly 2 million Americans incarcerated behind bars. Some 60 to 70

percent of those behind bars in most of our communities and States are there because of drug-related offenses.

□ 2215

As I have also tried to point out in my presentations based on the facts and substantial studies that have been conducted, the most recent being last spring in New York which analyzed the effects of the 20 some thousand incarcerated in that State for drug-related offenses, most of them are there for repeated felonies, most of them are there because they have really gamed the system and not cooperated. Some 70 percent, as I said, are there because of multiple felonies, but again you go back to illegal narcotics, drug abuse and the problems that it creates among those individuals and you cannot help but to say that we have a situation that is intolerable for our judicial system, that is intolerable for those incarcerated, their families, and for our society at large.

So our challenge has been the last year and a half plus of the subcommittee to try to weave together a coherent national drug policy, to look at all the options that we have for dealing with this problem, to review some of the initiatives and actions that have taken place across the Nation, see if they make sense, see if they can be adapted to other situations, and see if they provide some opportunity for relief from the situation.

I always like to take a minute and review how we got ourselves into this situation. I heard this weekend, just within the last few days, people repeat the question, is the war on drugs a failure? What is happening in the war on drugs? If people listen and take a few minutes to understand what has happened, I think there is a very clear picture of what works and what does not work. You would have people tell you that the war on drugs is again a failure, and I say absolutely not, that a war on drugs as devised by the Reagan administration and the Bush administration was in fact a success. In fact, the statistics, the facts, the pure facts, bear out the success of the war on drugs conducted by the two previous Presidents.

I have cited and I will cite again a national household survey that said based on the data that they collected, and this is consistent data over a good time period, illicit drug use declined by 50 percent from 1985 to 1992. That is a pretty dramatic decrease. If we look at the statistics from the beginning of the Clinton administration to the present time, we have almost the opposite, almost a 50 percent increase in illicit and illegal drug use. So the facts bear out, there are again surveys that have been conducted over a long period of time show that indeed a true, full-fledged effort, leadership by the President, leadership by the Vice President, at that

time Mr. Bush who went on to be the President and also continued the policy, a multifaceted approach in which you have presidential leadership, you have a program to stop drugs at their source, a successful international drug program that deals with elimination of the crops, elimination of the narcotic at its source, which is most cost effective, and an interdiction policy, one that incorporates the use of our national resources and assets such as our military in a war on drugs to stop drugs as they leave their source where they are grown or where they begin and stop those drugs, those illegal narcotics in their tracks, a comprehensive program of prevention and treatment. We know that it takes again a multifaceted effort, that you must have successful treatment, you must have a successful prevention program, you must have a campaign that reiterates that illegal drugs do harm even if it is the first lady who has a "Just Say No" program or a DARE program in school, many of the programs that again were so successful under the Reagan and Bush administration that resulted from 1985 to 1992 in a 50 percent reduction of illicit drug use. Again part of a multifaceted approach, the utilization of all of our resources at the Federal level, the Coast Guard, the military, surveillance and intelligence information and, of course, a tough zero tolerance in law enforcement.

All that changed and took a 180 degree turn with this administration's coming into office, but again the success was really incredible during the past two administrations.

Let me, if I may, put this chart up here. Again, this shows the statistic that I just relayed from the national household survey. You see from the beginning of the Reagan administration through the Bush administration, a real war on drugs, a decline in the prevalence of lifetime drug use and abuse. You see the beginning of the Clinton administration, 1992, 1993, the tragedy we now see ourselves in. Only since the advent of the new Republican Congress have we seen any slight leveling out in again this long-term picture. Overall casual drug use was cut by more than half if we went back to 1997 and 1992. Casual cocaine use fell some 79 percent while monthly use fell from 2.9 million users in 1988 to 1.3 million in 1992. So if anyone tells you that the war on drugs, and this is when we had a real war on drugs, was a failure, these are the hard statistics, hard facts, something that I have not made up, something that has been part of a national survey, a very legitimate national survey. This is the record of the Clinton administration.

Now, the difference with the Clinton administration is when President Clinton took office in 1993, he began dismantling the war on drugs, and they dismantled piece by piece. The very

first steps were in fiscal year 1994-1995, the Coast Guard was cut, their budget, and they have an important role in this effort and to conduct a real war on drugs. Their drug operations were cut from \$310 million to \$301 million. The customs, also an important part of this effort, their drug funds were cut by the Clinton administration, and the Clinton administration, remember, in 1994 and 1995 controlled the House of Representatives by a wide, wide margin, the other body by a wide margin and the White House, the executive branch. They cut the customs budget from \$16.2 million to \$12.8 million. DEA, our drug enforcement agency, our Federal agency dealing with the antinarcotics problems and enforcement was slashed from \$16.2 million to \$12.8 million. And DOD, our first line of defense. Now, the Department of Defense does not arrest anyone in a war on drugs. The Department of Defense is prohibited even by the Constitution and provisions of our laws from being an enforcer in domestic law enforcement. What the Defense Department has done as enlisted in the Reagan and Bush administration was to provide intelligence and information. Our planes and our ships and our satellites, our AWACs, other equipment is already in the air for national security purposes. Now, if I told you that an enemy was to kill 15,972 Americans last year or 2 years ago and result in the deaths of over 50,000 Americans each year, Americans and Members of Congress should and would rise up and say, let's stop that, let's go after that. Using our military, we in fact in this period, in the Reagan-Bush period in interdiction and also in intelligence information gathering were able to stem the flow of illegal narcotics coming into the United States, also go after traffickers most successfully. You have heard the results of a successful war on drugs, a 50 percent reduction from 1985 to 1992 in illicit drug use. You heard that casual cocaine use fell by some 79 percent while monthly use fell from 2.9 million users in 1988 to 1.3 million in 1992. Now, the Bush and Reagan administration did not erase the problem of illegal narcotics or substance abuse but they made a dramatic decrease in them.

This is the Clinton record. Some 50 percent cut in interdiction programs and dramatic cuts in international programs, cost effectively stopping narcotics at their source.

This chart shows again the picture of the dismantling of the war on drugs and the reason we see this incredible flood of illegal narcotics coming into the United States and problems throughout every jurisdiction across our land. You see the levels in 1991, 1992, this shows the end of the Bush administration. The red shows interdiction, the blue shows international. Again, international would be stopping

drugs at their source. You see the dramatic cuts in half of international programs. You see the dramatic decline in interdiction. This is the use of the military. You see this begin to pick up again with the advent of the Republican-controlled Congress. And we are getting back, and if we use 1991–1992 dollars, we are getting back just about to the level we were with the successful efforts at the end of the Bush administration. But this has been quite an uphill battle.

Now, we know where the illegal narcotics are coming from. This chart provided by the National Drug Intelligence Center to me shows us that the drugs are coming from South America and primarily today from Colombia, both cocaine and heroin. Now, I know it is hard for people to believe this, but 7 years ago at the beginning of the Clinton administration there was almost zero heroin being produced in Colombia. That is heroin actually being produced with poppy growth in that country. In 1992–1993 there was almost no coca, the base for cocaine, produced in Colombia. In 7 years and through very direct policy of this administration, the production of coca and cocaine is now reaching some 70 percent of the heroin that comes into the United States and is seized, we know 70 percent comes from Colombia. We know that cocaine that is produced in Colombia now accounts for about 80 percent of all the production coming in.

We know what works. We know that a successful international program, a program where we have tough enforcement, we have surveillance, and we also have crop alternatives, these peasants and others who were producing these crops need some alternative to make a living, and the reason they are doing it now is they are being paid for it. The reason they are doing it now in Colombia is they are financing narcoterrorist activity and receiving payment and protection.

□ 2230

We have not been going after those individuals, and, again, that is the direct result of this administration and its lack of will to really conduct a full scale war on drugs.

Mr. Speaker, instead of conducting a war on drugs, they have been dismantling the war on drugs. As we saw from the chart that I previously put up, the Clinton administration dramatically cut both the international and interdiction budgets. Federal spending under a Republican-controlled Congress has increased some 84 percent, again, for interdiction, and back to about the 1991–1992 levels.

On international programs, we have increased the funding some 170 percent over the last Democrat-controlled Congress. That number will probably even surge more with Plan Colombia, which,

again, we know where the problem is, we know where our resources need to go.

During the past several years, under the Republican-controlled House and Senate, we have put together a strategic plan in Bolivia and Peru. We have cut coca production by some 63 percent in Peru, by over 55 percent in Bolivia. Part of Plan Colombia has funds for both Peru and Bolivia and also some of the neighboring countries, because we know when we apply pressure on Colombia that there will be an inclination to move some of that production to other neighboring areas.

The plan does entail bringing resources into this entire region. This is where the drugs are coming from; most of it is Colombia and a little bit in the peripheral area. That is where we need to concentrate some other resources.

Mr. Speaker, of course, interdiction and source country programs alone will not stop illegal narcotics. It takes a full effort.

It is interesting to note that one of the next steps that the Clinton administration took in 1993 after taking office was to dismantle the drug czar's office. They talked about cuts in Federal bureaucracy, and their idea was to cut the staffing of the Office of National Drug Control Policy. It was cut 80 percent from 147 positions to 25 positions.

Imagine conducting a war on drugs by dismantling the effective and very low dollar expenditure source country programs, stop drugs at their source. Imagine taking the military out of the war on narcotics, which they did. Their next step in cutting the budget for any type of antinarcotic, again, very few dollars, because we already have our military engaged in some of these activities, the next step was to gut the drug czar's office.

Mr. Speaker, probably the most disastrous two things that this administration did next was to appoint Lee Brown, I believe his name is, as the drug czar. He single-handedly did more damage in dismantling our war on drugs that had been started and so successfully executed by President Reagan and President Bush and their administration.

In fact, I remember as a Member of the minority in 1993 attending hearings of the predecessor of the Committee on Government Reform, it was called Government Operations, they held, I believe, one full hearing. Mr. Brown came up to testify.

The hearing was a farce, and over 130 Members, bipartisan Members, asked for hearings to be conducted on our national drug policy and the dismantling basically of the war on drugs, which they very directly were dismantling during that time frame.

One hearing in 2 years while they dismantled the program; it was sinful. One hearing while the drug czar, Mr.

Brown, appointed by President Clinton destroyed 2 President's work, 2 administration's work and effort, which was reducing, and we heard there was a 50 percent reduction in drug use from 1985 to 1990 to a successful war on drugs shut down.

During the Bush administration, the United States shared real-time intelligence with some of the drug-producing countries, including Peru, in an effort to allow them to force down and, in some cases, provided information to allow them to shoot down drug trafficking aircraft so their illegal cargos could be seized or destroyed.

This was primarily done through again the interdiction program, through radar and through surveillance flights.

On May 1, 1994, the Clinton administration stopped this program. And it was not until there was an absolute uproar in the House of Representatives and the other body, we really had to pass a clarification in law to convince the administration to reinstitute these drug surveillance missions and provide that information for shoot down.

The Clinton administration did an incredible amount of damage in stopping that information sharing and repeatedly, as recently as 1998, the Clinton appointed ambassador to Peru wrote again, and I have a copy of it as reported to me by the General Accounting Office in a report. I had them independently conduct a study of the problem of declining DOD assets and participation.

In spite of even Congress now funding additional money, the assets have been diverted by the Clinton administration from this region and from conducting a real war on drugs. Again, in 1994, they made the first error. In 1998, they made the same error in not sharing with our allies in this effort information so that they can take action against drug traffickers, drug producers in their country.

I hate to drag up old problems, but we have to look at in the entire picture. And at the beginning of the Clinton administration, it is important to remind the Congress that White House staffers actually were forced with delays in obtaining security clearance process in the issuance of permanent White House passes.

As we may recall, in 1995 up to 21 White House staffers were on a special random drug testing program, because of concerns about recent drug use. Hearings were conducted on this. And I believe the problem became so serious that the Secret Service instituted a requirement that there be a special random drug testing program in the White House.

We might say, well, why would policy come out of the administration to destroy a war on drugs? And I submit, my colleagues, when we have 21 White House staffers on a special random



drug testing program, which is instituted at the insistence of the Secret Service, because these individuals could not even pass a basic test and background check because of their recent illicit narcotics involvement. I think we see a little bit of the problem that we have been facing in this whole effort to really conduct a real antinarcotic effort.

In testimony before Congress, the Secret Service and FBI agents testified that the White House employees may have used illicit drugs at the Presidential inaugural in January of 1993.

One Secret Service Agent testified that he had reviewed more than 30 background investigations for White House employees that contained references to recent drug uses. In fact, we had testimony that said, and let me repeat it, I have seen cocaine usage. I have seen hallucinistic uses, crack uses. This is not something I said. This is from their direct testimony.

Mr. Speaker, it is interesting to note, also, that in a sworn statement, one FBI agent said aides' drug use went well beyond the experimental use of marijuana in college, including cocaine, designer drugs and hallucinistic mushrooms.

We might all recall, some of the problems of a famous White House aide, we still do not know who hired him, that is a great mystery, we may never know. I believe the independent counsel has dropped the case, but the infamous who hired Craig Livingston.

I remember so well sitting in those hearings as he took the 5th amendment. He and others who suddenly lost their memory or ability to testify before our investigative panel.

Craig Livingston, as my colleagues will recall, was the chief of White House Personnel Security and reigned over his offices improper acquisition of FBI files. Those files were primarily of Reagan and Bush administration officials and staffers, even some of our congressional staffers.

He acknowledged in his own history illicit drug use and other problems which caused him to be fired from several jobs before he joined the White House staff in 1993. Now, Craig Livingston was the head of the personnel security office for the White House.

Again, we have to look at the whole picture of who we have been involved with in trying to conduct and put together a coherent national drug policy and a strategy that is effective.

Mr. Speaker, we have known from the very beginning that as we put pressure on Peru and Bolivia to stop production of coca and cocaine that we would have to deal at some point with Colombia. Everyone on our side of the aisle and many on the Democrat side of the aisle have urged that we get resources to Colombia. Again, this is not rocket science.

We know that most of the narcotics coming into the United States are pro-

duced in that area, in Colombia. We have known that it is very difficult to get to the crop, to destroy the crop, and also to the narcoterrorists who are involved in the narcotics trafficking. It takes helicopters. In this instance, we know it takes Blackhawk helicopters that are capable of high altitude flights and going after drug traffickers.

Mr. Speaker, time and time and time again, this administration has blocked resources to Colombia. Time and time again, this administration has blocked helicopters coming into Colombia.

According to the Defense Department, it took the Clinton administration 45 days to move 24 helicopters to Albania for an undeclared war in Kosovo.

According to the Defense Department also, it has taken the Clinton administration approximately 4 years to get 6 Blackhawk helicopters to Colombia in a so-called declared war on drugs.

Now, imagine fighting a war on the drugs, we do not go after the source of the production of the destructive device, which are the narcotics; we do not go after that. We do not try to get the narcotics or the destructive devices that leaves the source and uses our military, we take the military out of the battle. And here, where we need resources to go in and get that death and destruction, which is reigning in our cities and counties, and the Congress funds and appropriates and passes resolutions urging action, in fact, it took 4 years to get 6 helicopters to Colombia.

□ 2245

Now, if that was not bad enough, and this is not something I am making up, it is the absolute truth, when we finally got several of the helicopters delivered at the beginning of the year 2000, they were delivered without armor, adequate armor, to be used in conflict, without adequate ammunition.

Now again, I swear I am not making this up, but we needed to get ammunition if we are going to conduct a war on drugs. The Congress has appropriated funds year after year, at least since we took control of the Congress, to get these resources to Colombia. The administration, the President, the vice president, divert funds to other international deployments. The resources never got to Colombia.

Only the year before last we appropriated \$300 million and, again, as of the end of last year almost nothing had gotten to Colombia, and the little bit that did get there of the \$300 million most of it was in the helicopters that we had ordered some time ago which were delivered in an inoperable, non-combat condition; almost unbelievable.

Again I am not making this up, but there is more to this story. The ammunition that we needed to give the Colombians to fight the narcotraffickers ended up being delivered to the loading

dock of the State Department in Washington instead of Colombia. Then I swear I am not making this up, but again the gang that could not shoot straight, the helicopters that cannot fly or are not armored, the story gets worse. The ammunition that is sent to the loading dock of the State Department, I swear this is the truth, they sent them 1952 ammunition, some of which they recommend is not usable in the other equipment that has been sent. So it really boggles the imagination.

Now we have provided very significant resources, \$1.3 billion. That is not all for Colombia. It is in a larger package. Actually, the amount to be spent for equipment is a small portion of that, a small fraction of that. To appease the liberals and some of the others who are concerned about human rights violations, we have put in probably as much money for building institutions, nation building, we are going through another exercise of that in Colombia and other funds. There is some money in there that is for crop alternative, and I think that will be very wise to expend. We have known through our efforts in other countries that you have to have a successful crop alternative or alternative development program, but you also have to have tough enforcement. But there is a lot more to the story than meets the eye. These Black Hawk helicopters, in fact, were promised to the Colombian national police back in 1996. Repeatedly you can get headlines. Here is one from February of 1998, Delay of Copters hobbles Colombia in Stopping Drugs. This little note says check the date. It is the end of 1997, 1998.

So year after year, the administration has blocked this. It is only after the administration, I am told, conducted a poll, and I cannot confirm this but they found that there was some criticism for their approach and that they needed to get their act together. Now, it took the President 4 or 5 years to come forward and change his policy, this administration, and declare an emergency. Only when the whole region is disrupted, only when we almost lost Colombia, only when part of the oil supply from that region, I think accounts for 20 percent of U.S. imports is endangered, only after 30,000 people have been killed in one of the bloodiest conflicts of the hemisphere and again only after the situation has reached disastrous proportions, has the administration come forward with a plan.

The end of last year they said that this was getting out of control; they had to do something. I am also told that they polled and saw that even the public was being concerned, and they usually act when they see a poll.

That forced the President to propose Plan Colombia and recommend to the Congress that we move forward with an emergency appropriation. Unfortunately, that emergency appropriation

request did not get to the Congress until February of this year. So it took the President 5 years to get a plan and action where we know narcotics are being produced, where he allowed narcotics to be produced and become the center of narcotics activity, and I am pleased that the Congress has acted within 5 months. It started out as an emergency supplemental and was signed by the President, I believe, last week.

Now I keep my fingers crossed that we have given the gang that cannot shoot straight this responsibility now to get these resources to where we know the illegal narcotics are coming from.

If I may, I am going to try to conclude in a reasonable amount of time here tonight so staff can get home a little bit early, but this is another chart that I think the Congress, Mr. Speaker, and the American people should pay particular attention to. I always hear the war on drugs is a failure, and the other side always says we just have to spend money on treatment; treatment is the answer. I compare it a little bit to just treating the wounded in battle.

Imagine conducting a fight, not going after the enemy, not stopping the weapons of mass destruction where they are produced, not stopping the missiles and other things that are being lobbed at us, the illegal narcotics, and just treating the wounded in a battle. How long do you think you could last if we had just treated the wounded in battle in World War II or any of the major conflicts? And certainly a conflict that takes 15,900-plus lives in one year as a direct result of the conflict, the problem, or 50,000 a year, is a major threat to our Nation and our national security.

This chart shows that consistently, well we will go back to the beginning of the Clinton administration, we have increased funding for treatment. In fact, it is almost double for treatment. So we cut, under the Clinton administration, the war on drugs, the interdiction, the source country programs, the military, the Coast Guard, other budgets. They cut them by some 50 percent.

We are now restoring them, as you can see in these lines getting back to our equivalent of 1991/1992 dollars, but treatment has always been on the increase. It is just like here, but other than that we have basically doubled the amount of money that we have spent on treatment; and treatment alone does not work. I think the prime example of that is Baltimore, and I bring this chart up again.

Again, people just have to understand that a policy of toleration, of liberalization of the narcotics law, of non-enforcement of our laws relating to narcotics, attracts death and destruction.

This was provided to me in 1996 by our drug enforcement office. It shows

the deaths in Baltimore: 1997, 312; 1998, 312; 1999, 308, and I believe 2000 is probably heading close to record. It shows the population decreasing. It shows about 39,000 drug addicts in 1996, and the estimates are now 60,000 to 80,000 drug addicts. These are people in need of treatment. This is a liberal policy, a policy of nonenforcement.

The police chief here in Baltimore, former police chief, fortunately he was fired, said in testimony before our subcommittee on a Monday several months ago that he had not participated in a high intensity drug trafficking program. The Feds had made dollars and cooperative efforts available. He had said he was only going to go after a limited number of open drug markets in Baltimore. Fortunately, the mayor heard him and on Thursday he was fired, and they are bringing in a zero tolerance law enforcement officer; but this shows the death and destruction.

This is just about half the number of New York City. New York City had about 350 murders in New York City last year. It went from 2,000 murders, a 58 percent reduction, down to about 650, a dramatic decrease, a zero tolerance policy with New York City versus a nonenforcement policy of Baltimore; incredible growth in addict population. If the entire country went to this policy, we saw this many deaths, this much destruction, we could never keep up with what we would face.

The New York statistics compared to Baltimore are startling. In red, Baltimore, 1993, you see the murder rate staying constant in red and Baltimore dropping dramatically from 2,000 down to the mid-650s. It is very dramatic.

Remember New York City has a population probably of 10 million and you are looking at probably 500,000, 600,000, continuing declining population in Baltimore. In fact, I picked up the Baltimore Sun and it says as population drops city must look to D.C. This is a July 15 article I read the other day. This is what the policy will do for your community if you are thinking of adopting a nonenforcement policy. With 4,890 residential properties appearing this week on the multiple listings and dozens of additional houses being advertised directly by the owners, the city has a glut of unsold homes.

Anyone doubting this should drive around various row house neighborhoods and count signs, and that is before the estimated 40,000 vacant houses are considered. In other words, the city is still losing population. Hopefully it is not too late. Hopefully the new mayor O'Malley and the new police chief can bring this situation under control.

I will say what has not worked is the policy they have had in place, and I will say what has worked is New York's zero tolerance policy.

This is, again, a dramatic representation of the way crime has been reduced in New York City from 1993 to 1998, and it continues. If you see the tough enforcement of drug-related offenses, and the arrests as they go up the crime goes down in New York City.

I also show that chart, and people would have you believe that this is not a success, but it is a success. Murder and nonnegligent manslaughter declined some 67 percent from 1993 to 1998. The total of all major felony crimes fell from 51 percent in 1993 to 1998, a 51 percent decrease in those categories.

As a result of Mayor Giuliani's tough enforcement policies, based on what the murder rate was before he took office, more than 3,500 people are alive in New York City; again, just dramatic results.

Now, the other side would probably say that this zero tolerance is a brutal regime. Let me say that we had Mayor Giuliani and we have had his police commissioner testify and provide our subcommittee the facts. For example, one thing is that the fatal shootings by police officers in 1999 was 11.

□ 2300

It was the lowest of any year since 1973, the first year for which records were kept. That is far less than the 41 police shootings that took place in 1990.

Now, where was Reverend Sharpton or whatever his name is in 1990 screaming when there were 41 shootings that took place. Moreover, the number of rounds intentionally fired by police in New York declined by 50.6 percent since 1993, and the number of intentional shooting incidents by police dropped by 66.5 percent, while the number of actual police officers that were employed in New York City increased by 37.9 percent.

Now, do not deal with the facts, and these happen to be the facts. They will tell us that this tough enforcement does not work. It does work. Look at the crimes. Look at the people's lives who have not been ravaged. Look at the thousands who are living as a result of this policy, and there are less incidents of shootings, with a 37.9 percent increase in police officers.

Mr. Speaker, there were 62 percent more shootings by police officers per capita in the last year of David Dinkins' administration last year than under Mayor Giuliani. The press will not tell us that. Specifically, in 1993, there were 212 incidents involving police officers in intentional shootings. In 1994, there were 167. In 1998, under Mayor Giuliani, there were 111. Mr. Speaker, 111 compared to 212, a dramatic decrease under Mayor Giuliani. In 1993, under David Dinkins' last year in office, there were 7.4 shooting incidents per officer. That ratio is now down to 2.8 shooting incidents per 1,000 officers.

By contrast, the misguided approach of others will tell us that this does not work. They will tell us that the war on drugs is a failure, when we can show tonight that there was, in fact, a 50 percent plus reduction under Presidents Reagan and Bush, from 1985 to 1992, and since there has been a dramatic increase.

So the war on drugs is not a failure. The tough enforcement policy is not a failure. It does not brutalize anyone. In fact, these projects and programs of tough enforcement do work.

Finally, during the mid 1990s, I will cite as another example, Richmond, the capital of the Commonwealth of Virginia, had one of the worst per capita murder rates in history, peaking in 1997 with 140 murders. What they did in Richmond, the capital of the Commonwealth of Virginia, was institute a tough gun enforcement law entitled Project Exile, tough prosecution. Homicides in 1998 were approximately 33 percent below 1997, the lowest number since 1987, since the program was instituted. Tough enforcement works in Richmond, it works in New York City. The policies where we turn our back and let drug dealers rule the streets in our neighborhoods, those programs do not work. Just drive through Baltimore, move your business to Baltimore, or move to Baltimore and you will see. It is my hope we can turn Baltimore around. Baltimore is a great American city with a great history, a beautiful area and with wonderful people who have endured the wrong policy. The American people have also endured the wrong policy as it relates to not having a real war on drugs, and we can change that.

Mr. Speaker, I hope we will learn by these costly lessons of the past. I hope that we will give a serious effort to conducting a real war on drugs, and that the funds that this Congress has appropriated from the American people, hard-working American taxpayers' monies they are sending here are appropriately expended to bring this situation under control so that we have a balanced program of interdiction, of source-country programs, of treatment, of education, of prevention; a well-balanced program that we know from the Reagan-Bush era did work, that reduced drug usage in this country by some 50 percent.

So that is my hope, Mr. Speaker. I look forward to working with my colleagues in the House and in the other body in an effort to again to find sensible, cost-effective and real solutions to the real problem we are facing.

Mr. Speaker, I would like to thank the staff for staying late again any hearing my Tuesday night presentation. I am tired too; I would like to have turned in early, but I think this is most important, that we keep repeating this message, and that people understand the problem and challenge

that we are faced with, with illegal narcotics.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOSWELL (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of illness in the family.

#### SPECIAL ORDERS GRANTED

(By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:)

The following Members (at the request of Mrs. MALONEY of New York) to revise and extend their remarks and include extraneous material:

Mr. KIND, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

Mr. PITTS, for 5 minutes, July 19 and July 24.

Mr. TANCREDO, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title.

H.R. 3544. To authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

H.R. 3591. To provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 4391. To amend title 4 of the United States Code to establish sourcing requirements for State and local taxation of mobile telecommunication services.

#### ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 19, 2000, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8829. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Elimination of Requirements for Partial Quality Control Programs [Docket No. 97-001F] (RIN: 0583-AC35) received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8830. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Melon Fruit Fly; Removal of Quarantined Area [Docket No. 99-097-2] received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8831. A letter from the Secretary of Defense, transmitting the Department's Report on Improvements to the Joint Manpower Process, pursuant to Public Law 104-201, section 509(a) (110 Stat. 2513); to the Committee on Armed Services.

8832. A letter from the General Counsel, Department of Defense, transmitting proposed legislation that would extend authority to carry out certain prototype projects for three years, authorize the use of other transactions for follow-on production for up to a maximum of twenty programs, and authorize the use of other transactions for prototypes developed under the Commercial Operations and Support Savings Initiative; to the Committee on Armed Services.

8833. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Progress Payments for Foreign Military Sales Contracts [DFARS Case 2000-D0009] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8834. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Production Surveillance and Reporting [DFARS Case 99-D026] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8835. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Uncompensated Overtime Source Selection Factor [DFARS Case 2000-D013] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8836. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report entitled, "Building The Public Trust: A Report to Congress on FHA Management Reform February 2000," pursuant to 12 U.S.C. 1709(v); to the Committee on Banking and Financial Services.

8837. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Taiwan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8838. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

8839. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Service, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 2000-2001 for New Awards for the Alternative Financing Technical Assistance Program, both authorized under Title III of the

Assistance Technology Act of 1998—received June 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8840. A letter from the Deputy Secretary, Department of Education, transmitting a legislative proposal entitled, "Higher Education Technical Amendments Act of 2000"; to the Committee on Education and the Workforce.

8841. A letter from the National Council on Disability, transmitting the Council's report entitled "National Disability Policy: A Progress Report," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

8842. A letter from the Secretary, Department of Health and Human Services, transmitting Model Comprehensive Program for the Treatment of Substance Abuse, Metropolitan Area Treatment Enhancement System (MATES) Final Report to the Congress of the United States Fiscal Years 1994-2000, pursuant to 42 U.S.C. 290gg(f)(2); to the Committee on Commerce.

8843. A letter from the Chairman, Nuclear Regulatory Commission and Secretary of Labor, transmitting a draft bill entitled, "Energy Employee Protection Amendments of 2000"; to the Committee on Commerce.

8844. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Guide to Good Practices for Control of On-shift Training [DOE-STD-1040-93] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8845. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Guide to Good Practices for Communications [DOE-STD-1031-92] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8846. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Guide to Good Practices for Shift Routines and Operating Practices [DOE-STD-1041-93] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8847. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date; Reopening of Administrative Record [Docket Nos. 92N-0297 and 88N-0258] (RIN: 0905-AC81) received June 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8848. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permit Program Revisions; Metropolitan Government of Nashville-Davidson County, Tennessee [TN-NASH-T5-2000-01a; FRL-6710-9] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8849. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; Georgia [GA-T5-2000-01a; FRL-6711-2] re-

ceived June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8850. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District [CA241-0238a; FRL-6709-1] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8851. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—State of West Virginia: Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program [FRL-6710-3] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8852. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department [AZ 086-0207a; FRL-6710-5] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8853. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire, Rhode Island, and Vermont; Aerospace Negative Declarations [RI-042-01-6990a; A-1-FRL-6727-9] received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8854. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; VOC Regulation for Large Commercial Bakeries [MA077-7210a; A-1-FRL-6709-5] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8855. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Winslow, Camp Verde, Mayer, and Sun City West, Arizona) [MM Docket No. 99-246; RM-9593; RM-9770] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8856. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ebro, Florida) [MM Docket No. 00-43; RM-9833] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8857. A letter from the Assistant Bureau Chief, Management, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use [IB Docket No. 98-172; RM-9005; RM-9118] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8858. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Taos, New Mexico) [MM Docket No. 99-270; RM-9703] received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8859. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Powers, Michigan) [MM Docket No. 99-359; RM-9784] received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8860. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report entitled "Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1999," pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

8861. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: VSC-24 Revision (RIN: 3150-AG55) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8862. A letter from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P and NUHOMS-52B Revision (RIN: 3150-AG34) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8863. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00-39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8864. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 08-00 constituting a request for final approval for the Umbrella Memorandum with Belgium, Denmark, Norway, and the Netherlands for the F-16 Multi-national Fighter Program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8865. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 050-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8866. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of technical data and/or defense services sold commercially under a contract to the Republic of Korea [Transmittal No. DTC 043-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8867. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and defense services sold commercially under a contract to Japan [Transmittal No. DTC 038-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8868. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Manufacturing License Agreement with the Republic of Korea [Transmittal No. DTC-040-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8869. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 039-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kazakhstan [Transmittal No. DTC 049-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8871. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 28-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8872. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 051-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8873. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8874. A letter from the Secretary of Education, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8875. A letter from the Secretary of Health and Human Services, transmitting the Semi-annual report to Congress for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8876. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8877. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8878. A letter from the Administrator, General Services Administration, transmitting the semi-annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 app.; to the Committee on Government Reform.

8879. A letter from the Deputy Archivist, NPLN, National Archives and Records Administration, transmitting the Administration's final rule—Records Declassification (RIN: 3095-AA67) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8880. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8881. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1998 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform.

8882. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Electronic Filing of Reports By Political Committees [Notice No. 2000-13] received June 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8883. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Alabama Regulatory Program [SPATS No. AL-070-FOR] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8884. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 070600A] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Jet Route [Airspace Docket No. 99-ASW-33] (RIN: 2120-AA66) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Ltd. Dart 511, 511-7E, 514-7, 528, 528-7E, 529-7E, 532-7, 532-7L, 532-7N, 532-7P, 532-7R, 535-7R, 551-7R, and 552-7R Turboprop Engines [Docket No. 99-NE-50-AD; Amendment 39-11796; AD 2000-12-18] (RIN: 2120-AA64) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8887. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Provincetown Harbor, Provincetown, MA [CGD01-00-122] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8888. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Hill Bay, VA [CGD05-00-020] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8889. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Red, White and Blues Bang, Huron, Ohio [CGD09-00-020] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8890. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Port Clinton, Ohio [CGD09-00-021] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8891. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Maumee River, Ohio [CGD09-00-022] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8892. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Huron River Fest, Huron, Ohio [CGD09-00-023] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8893. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel, New York and New Jersey [CGD01-98-165] (RIN: 2121-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8894. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30094; Amdt. No. 423] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8895. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments [USCG-2000-7223] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8896. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Tongass Narrows, Ketchikan, AK [COTP Southeast Alaska 00-008] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8897. A letter from the Chairman of the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting a notice of error in transmitted in the 2000 Annual Report of the Board of Trustees; to the Committee on Ways and Means.

8898. A letter from the Administrator, Environmental Protection Agency, transmitting proposed bills, with section-by-section summaries, to amend the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); jointly to the Committees on Agriculture and Commerce.

8899. A letter from the Secretary of Energy, transmitting the Annual Report on Contractor Work Force Restructuring for Fiscal Year 1999, pursuant to 42 U.S.C. 7274h;

jointly to the Committees on Armed Services and Commerce.

8900. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting an update regarding the Department of Housing and Urban Development's 2020 Management Reform efforts which have changed HUD for the better and the semi-annual report of the Inspector General for the period ending March 31, 2000; jointly to the Committees on Banking and Financial Services and Government Reform.

8901. A letter from the Secretary of Labor, transmitting a report certifying that, during calendar year 1999, the Department substantially complied with the requirement in section 212(n)(1) of the INA; jointly to the Committees on Education and the Workforce and the Judiciary.

8902. A letter from the Secretary of Health and Human Services, transmitting a report on the appropriateness of the New Mexico geographic practice cost indices (GPCIs), which are used in determining the payment rates for physicians' services under the Medicare program, in comparison to the surrounding states; jointly to the Committees on Commerce and Ways and Means.

8903. A letter from the Secretary of Transportation, transmitting a draft bill, "To amend title 23, United States Code, to provide for the creation of a highway Emergency Relief Reserve, and for other purposes"; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

8904. A letter from the General Counsel, Department of Commerce, transmitting a copy of draft legislation and a sectional analysis for the "Technology Administration Authorization Act of 2000"; jointly to the Committees on Science and Government Reform.

8905. A letter from the Deputy Executive Secretary, Center for Beneficiary Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; State Health Insurance Assistance Program (SHIP) [HCFA-4005-IFC] (RIN: 0938-AJ67) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8906. A letter from the Deputy Executive Secretary, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Solvency Standards for Provider-Sponsored Organizations [HCFA-1011-F] (RIN: 0938-A183) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8907. A letter from the Chair, Medicare Payment Advisory Commission, transmitting a report entitled, "The 2000 Report to the Congress: Selected Medicare Issues"; jointly to the Committees on Ways and Means and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. Supplemental report on H.R. 3485. A bill to modify the enforcement of certain anti-terrorism judgments, and for other purposes (Rept. 106-733, Pt. 2).

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 103. Resolu-

tion disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China; adversely; (Rept. 106-755). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 4871. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-756). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 554. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-757). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 555. Resolution providing for consideration of the bill (H.R. 4118) to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba (Rept. 106-758). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 556. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106-759). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 557. Resolution providing for consideration of the bill (H.R. 1102) to provide for pension reform, and for other purposes (Rept. 106-760). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 4868. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHENOWETH-HAGE:

H.R. 4869. A bill to amend the Clayton Act to protect American consumers from foreign drug price discrimination; to the Committee on the Judiciary.

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 4870. A bill to make technical corrections in patent, copyright, and trademark laws; to the Committee on the Judiciary.

By Mr. KOLBE:

H.R. 4871. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. GILMAN (for himself, Mr. SAXTON, Mr. GEORGE MILLER of California, and Mr. ABERCROMBIE):

H.R. 4872. A bill to allow postal patrons to invest in vanishing wildlife protection pro-

grams through the voluntary purchase of specially issued postage stamps; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 4873. A bill to amend title II of the Social Security Act to restore child's insurance benefits in the case of children who are 18 through 22 years of age and attend postsecondary schools; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4874. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. GOODLING, Mr. BALLENGER, Mr. BOEHNER, Mr. DEMINT, and Mr. ISAKSON):

H.R. 4875. A bill to provide for improvement of Federal education research, evaluation, information, and dissemination; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH:

H.R. 4876. A bill to amend title 18, United States Code, to prohibit the possession or transfer of the easily concealable pistols known as "pocket rockets"; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself and Mr. TRAFICANT):

H.R. 4877. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to provide for cost-of-living adjustments to guaranteed benefit payments paid by the Pension Benefit Guaranty Corporation; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Ms. DEGETTE, Mr. ENGLISH, and Mrs. THURMAN):

H.R. 4878. A bill to amend title XVIII of the Social Security Act to increase the percent of hospital bad debt that is reimbursable under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. BLUMENAUER, and Ms. BALDWIN):

H.R. 4879. A bill to reform the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mr. DAVIS of Virginia, and Mr. HOYER):

H.R. 4880. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to establish new pay rates and compensation schedules for officers and members of the United States Secret Service Uniformed Division and the United States Park Police, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of Washington:

H.R. 4881. A bill to benefit electricity consumers by promoting the reliability of the bulk-power system; to the Committee on Commerce.

By Mr. WATTS of Oklahoma:

H.R. 4882. A bill to amend the Internal Revenue Code of 1986 to provide that only after-tax contributions may be made to the Presidential Election Campaign Fund and that taxpayers may designate contributions for a particular national political party, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in



each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 4883. A bill to authorize and direct the maintenance of a reliable and economic uranium enrichment, conversion, and mining industry, to assure the nuclear non-proliferation objects of the United States, to provide for the deployment of advanced uranium enrichment technology, and for other purposes; to the Committee on Commerce.

By Mr. BERRY (for himself, Mr. PICKERING, Mr. SKEEN, Mr. SANDLIN, Mr. TURNER, Mr. BONILLA, Mrs. EMERSON, Mr. BAKER, Mr. BOEHNER, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. THUNE, Mr. DEAL of Georgia, Mr. KNOLLENBERG, Mr. RILEY, Mr. HOLDEN, Mr. SHOWS, Mr. HAYES, Mr. CHAMBLISS, Mr. BLUNT, and Mr. PETERSON of Minnesota):

H.J. Res. 105. A joint resolution to disapprove the rule submitted by the Environmental Protection Agency on July 13, 2000, relating to total maximum daily loads under the Federal Water Pollution Control Act; to the Committee on Transportation and Infrastructure.

By Mr. DICKEY:

H.J. Res. 106. A joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution; to the Committee on Transportation and Infrastructure.

By Mr. JACKSON of Illinois:

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress that any Presidential candidate should be permitted to participate in debates among candidates if at least 5 percent of respondents in national public opinion polls of all eligible voters support the candidate's election for President or if a majority of respondents in such polls support the candidate's participation in such debates; to the Committee on House Administration.

By Mr. TOWNS:

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. MCCOLLUM (for himself, Mr. RANGEL, Mrs. MORELLA, Ms. KAPTUR, Ms. ROS-LEHTINEN, Mrs. MEEK of Florida, Mrs. FOWLER, Ms. JACKSON-LEE of Texas, Ms. DUNN, Mr. HYDE, Mr. MILLER of Florida, Mr. FOLEY, and Mr. DIAZ-BALART):

H. Con. Res. 375. Concurrent resolution recognizing the importance of children in the United States and supporting the goals and ideas of National Youth Day; to the Committee on Education and the Workforce.

By Mr. TANCREDO:

H. Con. Res. 376. Concurrent resolution expressing the sense of the Congress regarding support for the recognition of a Liberty Day; to the Committee on Government Reform.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

403. The SPEAKER presented a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 610 memorializing the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect; to the Committee on Education and the Workforce.

404. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 610 memorializing the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect; to the Committee on Education and the Workforce.

405. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 21 memorializing the Congress for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate; to the Committee on Commerce.

406. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 124 memorializing the United States Government to take appropriate action to address the serious environmental and public health problems posed by the toxic wastes left behind at former United States Military installations in the Philippines; to the Committee on International Relations.

407. Also, a memorial of the Legislature of the State of Georgia, relative to House Concurrent Resolution No. 37 memorializing Congress and the Federal Government to allow for suspension of the requirements for state matching funds associated with receipt of federal grants when a state is experiencing a budget deficit or shortfall; to the Committee on Government Reform.

408. Also, a memorial of the Legislature of the State of Wisconsin, relative to Assembly Resolution No. 29 memorializing support for the Washington Juneteenth 2000 National Holiday Observance, on the National Mall, Lincoln Memorial and U.S. capital grounds, scheduled for Saturday, June 17, 2000; to the Committee on Government Reform.

409. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 27 memorializing the President and Congress to gather with Native Hawaiians in observance of the centennial of the organic act; to the Committee on Resources.

410. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 13 memorializing the United States Congress and the Louisiana congressional delegation to provide funding from revenues received from oil and gas activity on the Outer Continental Shelf (OCS) to the Louisiana Department of Wildlife and Fisheries for state enforcement of the wildlife and fisheries laws; to the Committee on Resources.

411. Also, a memorial of the General Assembly of the State of Rhode Island, relative to House Resolution No. 2000-H 8292 memorializing the United States Congress to provide full and permanent funding for the Federal Land and Water Conservation Fund; to the Committee on Resources.

412. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 00-002 memorializing the Members of the Congress of the United States to dedicate the Old Spanish Trail and Northern Branch of the Old Spanish Trail as an historic trail; to the Committee on Resources.

413. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 9 memorializing the United States Congress to consider the needs of state and local governments and traditional "main street" merchants when determining the proper course of action regarding Internet taxation; to the Committee on the Judiciary.

414. Also, a memorial of the Legislature of the State of Louisiana, relative to House

Resolution No. 33 memorializing the United States Congress to take such steps as necessary to preserve the liberties of our nation as a whole and the liberties of the individual citizens of our nation; to the Committee on the Judiciary.

415. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 16 memorializing the United States Congress to amend the Internal Revenue Code, regarding the children of deceased public sector employees who receive death benefits from a state-sponsored retirement system, to provide those children with an exclusion from gross income equal to one-half of such benefits and to treat all such benefits above that limit as ordinary income, but not as investment income, and thereby bring equality of treatment to children of deceased public and private sector employees; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Mr. VITTER.  
H.R. 141: Mr. LARSON and Mr. KENNEDY of Rhode Island.  
H.R. 207: Mr. DOYLE.  
H.R. 220: Mr. PETRI.  
H.R. 390: Mr. OWENS and Mr. LOBIONDO.  
H.R. 443: Mr. ALLEN.  
H.R. 515: Ms. ESHOO.  
H.R. 531: Mr. CANNON, Mrs. CHENOWETH-HAGE, Mr. DIAZ-BALART, Mr. EWING, Mr. GOSS, Mr. HUNTER, Mr. LUCAS of Oklahoma, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. SHERWOOD, Mr. SUNUNU, Mr. REGULA, and Mr. KUYKENDALL.  
H.R. 534: Mr. DEAL of Georgia, and Mr. WATT of North Carolina.  
H.R. 802: Mr. MALONEY of Connecticut.  
H.R. 1020: Mr. DICKS, Mr. COYNE, Ms. KAPTUR, Ms. MILLENDER-MCDONALD, and Mr. HOLT.  
H.R. 1102: Mr. UDALL of New Mexico, Mr. REYNOLDS, Mrs. BIGGERT, and Mrs. NORTHUP.  
H.R. 1187: Mr. MOORE.  
H.R. 1366: Mr. VITTER.  
H.R. 1592: Mr. DOYLE.  
H.R. 1705: Ms. DELAURIO.  
H.R. 1771: Mr. GILCHREST.  
H.R. 1772: Mr. GILCHREST.  
H.R. 1795: Mr. MENENDEZ, Mr. SAWYER, and Mr. GORDON.  
H.R. 1798: Mr. ROGAN.  
H.R. 1824: Mr. GREENWOOD.  
H.R. 1871: Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. ROTHMAN, Ms. MCKINNEY, Mr. COOK, and Mrs. MALONEY of New York.  
H.R. 1899: Ms. ROS-LEHTINEN.  
H.R. 2129: Mr. CAMP and Mr. PETERSON of Minnesota.  
H.R. 2341: Mrs. NAPOLITANO, Mrs. BIGGERT, and Mr. BAKER.  
H.R. 2457: Mr. KANJORSKI, Mr. INSLEE, Mr. HINOJOSA, Mr. STENHOLM, Mr. BONIOR, Mr. MEEHAN, and Mr. DINGELL.  
H.R. 2594: Ms. SLAUGHTER.  
H.R. 2710: Mrs. MYRICK.  
H.R. 2870: Mr. McNULTY.  
H.R. 2953: Mr. TALENT, Mr. DAVIS of Illinois, and Mr. GREEN of Texas.  
H.R. 2969: Mr. ABERCROMBIE.  
H.R. 3004: Mr. WATT of North Carolina, Mr. BISHOP, Mr. HINCHEY, and Ms. STABENOW.  
H.R. 3083: Ms. KAPTUR, Mr. GONZALEZ, and Mr. PHELPS.  
H.R. 3091: Mr. GEJDENSON.  
H.R. 3118: Mr. POMBO.

H.R. 3193: Mr. HINOJOSA.  
 H.R. 3212: Mr. GOODE.  
 H.R. 3219: Mr. BACA.  
 H.R. 3295: Mr. PORTER.  
 H.R. 3449: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 3514: Mr. SHERMAN.  
 H.R. 3667: Mr. WAXMAN.  
 H.R. 3806: Mr. LAHOOD.  
 H.R. 3816: Mr. HINOJOSA.  
 H.R. 3825: Mr. CLEMENT.  
 H.R. 3826: Mr. SERRANO.  
 H.R. 3841: Mr. DOYLE.  
 H.R. 3842: Mr. CROWLEY, Mr. TIAHRT, Mr. LANTOS, Mr. TOWNS, Mr. LAFALCE, Mr. SAXTON, Mr. BLUMENAUER, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. RILEY, and Mr. CUMMINGS.  
 H.R. 3915: Mr. ARMEY.  
 H.R. 3981: Ms. VELÁZQUEZ.  
 H.R. 4002: Mr. POMEROY.  
 H.R. 4011: Mr. RYUN of Kansas.  
 H.R. 4049: REYNOLDS.  
 H.R. 4066: Mr. MORAN of Virginia, Mr. LAFALCE, and Ms. VELÁZQUEZ.  
 H.R. 4094: Mrs. MINK of Hawaii and Ms. ROS-LEHTINEN.  
 H.R. 4165: Mr. BRADY of Texas.  
 H.R. 4167: Mr. GANSKE, Mr. PRICE of North Carolina, Mr. THOMPSON of Mississippi, and Mr. HINCHEY.  
 H.R. 4192: Mr. GREEN of Wisconsin.  
 H.R. 4207: Mr. DOGGETT, Mr. BORSKI, Mrs. MINK of Hawaii, Ms. BERKLEY, and Mr. THOMPSON of California.  
 H.R. 4215: Mr. DICKEY.  
 H.R. 4248: Mr. WATKINS.  
 H.R. 4259: Ms. MCKINNEY, Mr. WATT of North Carolina, Mr. UDALL of New Mexico, and Mr. BROWN of Ohio.  
 H.R. 4274: Mr. MCNULTY.  
 H.R. 4281: Mr. LEVIN, Mr. HOBSON, Mr. DEFazio, Mr. BONIOR, Mr. SWEENEY, and Mr. TIERNEY.  
 H.R. 4328: Mr. TALENT.  
 H.R. 4333: Mr. PAYNE, Ms. LEE, Ms. CARSON, and Mr. NADLER.  
 H.R. 4360: Mr. SANDERS and Mr. OBERSTAR.  
 H.R. 4361: Mr. OLVER, Mr. WALSH, and Ms. KAPTUR.  
 H.R. 4384: Mr. BISHOP, Mrs. CHRISTENSEN, Mr. CLAY, Mr. DOGGETT, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. RANGEL, Ms. WATERS, Mr. GOODLING, and Ms. ROYBAL-ALLARD.  
 H.R. 4410: Mr. FRANKS of New Jersey.  
 H.R. 4420: Mr. DOYLE.  
 H.R. 4441: Mr. WISE.  
 H.R. 4453: Ms. PELOSI.  
 H.R. 4481: Mr. BACA, Mr. HINCHEY, Mr. WEXLER, Mrs. LOWEY, Mr. GEORGE MILLER of California, Mr. LARSON, Mr. DIXON, Mr. LOBIONDO, Mr. GREEN of Texas, and Mr. SNYDER.  
 H.R. 4492: Mr. MARTINEZ and Mr. GOODLING.  
 H.R. 4503: Mr. WATT of North Carolina.  
 H.R. 4526: Mr. KIND, Mr. ROMERO-BARCELO, and Mr. GIBBONS.  
 H.R. 4582: Mr. GREEN of Wisconsin.  
 H.R. 4624: Mr. DIAZ-BALART.  
 H.R. 4639: Mr. WEINER.  
 H.R. 4652: Mr. CALLAHAN.  
 H.R. 4659: Ms. DANNER, Mr. HOLDEN, and Mr. GONZALEZ.  
 H.R. 4660: Mr. BARTLETT of Maryland.  
 H.R. 4664: Mrs. MEEK of Florida, Ms. LEE, Mr. RANGEL, and Mr. DIAZ-BALART.  
 H.R. 4669: Mr. SCHAFER.  
 H.R. 4677: Mr. COMBEST.  
 H.R. 4759: Mr. GILMAN, Mr. SIMPSON, and Mr. BOEHLERT.  
 H.R. 4760: Ms. STABENOW.  
 H.R. 4776: Mr. HERGER.  
 H.R. 4793: Mr. RAHALL, Mr. ISAKSON, and Mr. MINGE.

H.R. 4794: Mr. BONIOR.  
 H.R. 4807: Mr. SAWYER, Ms. SCHAKOWSKY, Mr. RUSS, Mrs. BIGGERT, Mr. CALVERT, Mr. CANADY of Florida, Mr. LAMPSON, Mr. GANSKE, Mr. SANDERS, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. BLAGOJEVICH, Mr. SCHAFER, Mr. MCINTOSH, Mr. BORSKI, Mr. GALLEGLY, Mr. LAZIO, Mr. NADLER, Mr. RAMSTAD, Mr. MEEHAN, Mr. DICKS, Mrs. LOWEY, Mr. SHERMAN, Mr. SABO, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. FRANK of Massachusetts, Ms. LEE, and Mr. LATOURETTE.  
 H.R. 4844: Mr. QUINN, Mr. LIPINSKI, Mr. BACHUS, Mr. WISE, Mrs. JOHNSON of Connecticut, Mr. JEFFERSON, Mr. CAMP, Mrs. NAPOLITANO, Mr. TERRY, Mr. BROWN of Ohio, Mr. DICKEY, Mr. UDALL of New Mexico, Mr. REYNOLDS, Mr. MASCARA, Mr. COOKSEY, Mr. WYNN, Mr. DUNCAN, Mr. BARCIA, Mr. NEY, Mr. MEEKS of New York, Mr. KING, Mr. PETERSON of Minnesota, Mr. POMBO, Mr. CUMMINGS, Mr. LATOURETTE, Mr. BRADY of Pennsylvania, Mr. FRANKS of New Jersey, Mr. COSTELLO, Mr. ISAKSON, Mr. KANJORSKI, Mr. WHITFIELD, Mr. BOSWELL, Ms. PRYCE of Ohio, Ms. BROWN of Florida, Mr. HORN, Mr. KUCINICH, Mr. WELLER, Mr. SKELTON, Mr. KUYKENDALL, Ms. KILPATRICK, Mr. CHAMBLISS, Mr. BERRY, Mr. SESSIONS, Mrs. TAUSCHER, Mr. COOK, Mr. PRICE of North Carolina, Mr. DAVIS of Virginia, Mr. ABERCROMBIE, Mr. LUCAS of Oklahoma, Mr. TURNER, Mrs. KELLY, Mr. DOYLE, Mr. GILCREST, Mr. CRAMER, Mr. SAXTON, Mr. SHOWS, Mr. FOLEY, Mr. SNYDER, Mr. HULSHOF, Mr. KILDEE, Mr. COLLINS, Mr. MURTHA, Mr. LAHOOD, Mr. FROST, Mr. SHERWOOD, Mr. ANDREWS, Mrs. FOWLER, Mr. TANCREDO, Mr. RAMSTAD, Mr. HUTCHINSON, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, Mr. RUSH, Mr. BERUTER, Mrs. MALONEY of New York, Mr. BLILEY, Mrs. THURMAN, Mr. STEARNS, Mr. STUPAK, Mr. SWEENEY, Mr. FRANK of Massachusetts, Mr. EHRLICH, Ms. KAPTUR, Mr. THUNE, Mr. PHELPS, Mr. EHLERS, Mr. HASTINGS of Florida, Mr. GOODLING, Mr. VENTO, Mr. MICA, Mr. LUTHER, Mr. BLUNT, Mr. KLING, Mr. TIERNEY, Mr. BORSKI, Ms. NORTON, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Mr. GREEN of Texas, Mr. GONZALEZ, Ms. STABENOW, and Mrs. SLAUGHTER.  
 H.R. 4850: Mr. STUPAK, Mrs. JONES of Ohio, Mrs. MORELLA, Mr. KLING, Mr. GIBBONS, Mr. DOYLE, and Mr. SMITH of New Jersey.  
 H.R. 4864: Mr. BOEHLERT, Mr. TAYLOR of Mississippi, Mr. REYNOLDS, Mr. OBEY, Mr. SMITH of New Jersey, Mr. MINGE, Ms. CARSON, Mr. BLAGOJEVICH, Ms. PRYCE of Ohio, Ms. LOFGREN, Mr. BAKER, Mr. HASTINGS of Washington, and Mr. HINOJOSA.  
 H.R. 4866: Mr. WELLER, Mr. CHABOT, and Mr. SHAW.  
 H.J. Res. 102: Mrs. BONO, Mr. BRADY of Texas, Mr. CHABOT, Mrs. EMERSON, Mr. OXLEY, Mr. ENGLISH, Mr. BLUNT, and Mr. THUNE.  
 H. Con. Res. 133: Mr. CANADY of Florida.  
 H. Con. Res. 321: Mrs. EMERSON, Mr. DEAL of Georgia, Ms. WOOLSEY, and Ms. BROWN of Florida.  
 H. Con. Res. 341: Mr. ROMERO-BARCELO and Ms. SLAUGHTER.  
 H. Con. Res. 350: Ms. CARSON and Ms. BALDWIN.  
 H. Con. Res. 363: Mr. UDALL of New Mexico, Mr. WATT of North Carolina, and Mr. OWENS.  
 H. Con. Res. 372: Mr. CASTLE, Mr. FROST, Mrs. THURMAN, Mr. MCNULTY, Mr. HOSTETTLER, and Mr. SENSENBRENNER.  
 H. Res. 107: Mr. MORAN of Virginia.  
 H. Res. 420: Mr. KLING and Ms. RIVERS.  
 H. Res. 430: Mr. HALL of Texas.  
 H. Res. 437: Mrs. CLAYTON.

H. Res. 537: Ms. DANNER, Mr. DEUTSCH, Mr. MATSUI, Mr. PAYNE, Ms. BALDWIN, Mr. YOUNG of Florida, Mr. STARK, Mr. GOSS.  
 H. Res. 551: Mrs. EMERSON and Mr. LEWIS of Kentucky.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of Rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1660: Mrs. MINK of Hawaii.

## AMENDMENTS

Under clause 8 of the rule XVIII, proposed amendments were submitted as follows:

H.R. 4871

OFFERED BY: Mr. DEUTSCH

AMENDMENT No. 1: At the end of the bill, insert after the last section, preceding the short title, the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to allow the importation into the United States of any product that is the growth, product, or manufacture of Iran.

H.R. 4871

OFFERED BY: Mr. GILMAN

AMENDMENT No. 2: At the appropriate place in the bill, insert the following new section:

SEC. \_\_\_\_\_. Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

“(e) All existing and newly hired workers in any child care center located in federally owned or leased facilities shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).”

H.R. 4871

OFFERED BY: Mr. KUCINICH

AMENDMENT No. 3: In the item relating to “DEPARTMENT OF THE TREASURY—DEPARTMENTAL OFFICES—SALARIES AND EXPENSES”, insert before the period at the end the following: “: *Provided*, That of the amounts made available under this heading, \$500,000 shall be for preparing a report to the Congress on the contents of agreements between the International Monetary Fund and debtor countries and the World Bank and debtor countries: *Provided further*, That in preparing such report, the Secretary of the Treasury shall report all provisions of those agreements that require countries to privatize state-owned enterprises and public services; lower barriers to imports, including basic food products; privatize their public pension or social security systems; raise bank interest rates; eliminate regulations on the environment and natural resources; and reform their labor laws and regulations, including legal minimum wages, benefits, and the right to strike”.

H.R. 4871

OFFERED BY: Mr. NADLER

AMENDMENT No. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. \_\_\_\_\_. Section 9101 of the Balanced Budget Act of 1997 (111 Stat. 670) is repealed.

*July 18, 2000*

CONGRESSIONAL RECORD—HOUSE

**15245**

H.R. 4871

OFFERED BY: MR. QUINN

AMENDMENT NO. 5: In the item relating to  
“GENERAL SERVICES ADMINISTRATION—FED-  
ERAL BUILDINGS FUND—LIMITATIONS ON AVAIL-  
ABILITY OF REVENUE”—

(1) after the first and last dollar amounts,  
insert “(increased by \$3,600,000)”;  
(2) redesignate paragraphs (1) through (4)

as paragraphs (2) through (5), respectively;  
and  
(3) before paragraph (2) (as so redesign-

ated), insert the following:

(1) \$3,600,000 shall remain available until ex-  
pended for construction of additional  
projects at locations and at maximum con-  
struction improvement costs (including  
funds for sites and expenses and associated  
design and construction services) as follows:

New York:

Buffalo, U.S. courthouse, \$3,600,000;

## EXTENSIONS OF REMARKS

TRIBUTE TO MILT KANZAKI AND  
THE 442ND REGIMENTAL COMBAT  
TEAM

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. MCINNIS. Mr. Speaker, it is at this time that I would like to pay tribute to Milt Kanzaki for his dedicated service during World War II with the U.S. Army. Milt's bravery and courage during the war deserve the recognition and praise of this body.

Milt fought with the renowned 442nd Regimental Combat Team during his participation in the war. The 442nd was an exemplary regiment composed of Nisei (Japanese-American citizens) that were drafted into service after their families had been wrongfully placed into Japanese relocation camps. Even in the face of this blatant transgression by the American government, these soldiers discarded any ill will toward America and fought with a go for broke demeanor, becoming one of the most decorated units in American military history.

Milt was drafted into service during 1944 and joined the 442nd the following year. During his time in the war, Milt fought in the Northern Apennines-Po Valley campaign as well as the melee at Mount Belvedere. In was during these infamous battles that Milt earned himself a combat infantry badge, one of 18,143 decorations that were awarded to the 442nd.

Mr. Speaker, it is a privilege and honor to salute Milt and the 442nd Regimental Combat Team. His story and that of the 442nd is truly heroic and deserves this body's recognition.

Milt, thank you for your dedicated service to America. We are all very proud of you!

CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE OF H.R. 4063

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 4063, a bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 12, 2000.

Hon. DON YOUNG,  
Chairman, Committee on Resources,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost

estimate for H.R. 4063, the Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON

(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE  
H.R. 4063—*Rosie the Riveter/World War II Home  
Front National Historical Park Establish-  
ment Act of 2000*

Summary: Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4063 would cost the federal government between \$6.5 million and \$10.5 million over the next three years and about \$0.8 million annually thereafter. Because the act would allow the Secretary of the Interior to collect and spend donations, pay-as-you-go procedures would apply, but CBO estimates that any revenues and resulting direct spending would be minimal and largely offsetting.

H.R. 4063 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments could incur some costs as a result of the legislation's enactment, but such costs would be voluntary.

Major provisions: H.R. 4063 would establish the Rosie the Riveter-World War II Home Front National Historical Park in Richmond, California. The National Park Service (NPS) would administer the park, which would consist of historical sites related to the themes of Rosie the Riveter such as World War II-era shipyards, housing and daycare centers, as well as a number of local parks and memorials such as the Shimada Peace Memorial Park. The act would authorize the NPS to acquire some of these sites (including the daycare centers and a nearby hospital), to protect these resources through cooperative agreements with their current owners to provide technical assistance, and in some cases to help interpret and restore historic structures. It also would authorize the NPS to lease the Ford Assembly Building to establish an education center, which would serve as the primary visitor contact facility for the new park.

H.R. 4063 would direct the NPS to develop a general management plan for the park and make recommendations concerning other sites that should be linked or added to the park. The act also would require the agency to conduct a theme study of the World War II home front to determine whether other sites in the United States should be included in the National Park System.

Section 5 of H.R. 4063 would authorize the appropriation of whatever sums are necessary to (1) acquire specified properties within the park's boundaries, (2) preserve and interpret park resources (including funds to conduct oral histories), and (3) provide visitor services. In addition, the act would authorize the appropriation of \$1 million for the purchase of historical artifacts. Finally, the legislation would authorize the NPS to accept and use donations of funds, property, and services.

Estimated cost to the Federal Government: Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend between \$6.5 million and \$10.5 million over the next three years to implement H.R. 4063. Most of the funds would be used to develop the education center at the Ford Assembly Building—between \$2.7 million and \$6.7 million—depending on the size of the facility and on the availability of nonfederal funding. Other one-time costs of about \$2.4 million would be incurred to acquire, artifacts, restore buildings, develop required plans and studies, and other activities under cooperative agreements. Finally, we estimate that it would cost \$1.4 million to administer the new park during the three-year development period. Once all facilities have been developed, CBO estimates that ongoing costs to operate and maintain the new park would be about \$0.8 million annually, beginning in fiscal year 2004.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 4063 would authorize the NPS to accept and use donations for the new historical park. Such donations are recorded in the budget as governmental receipts, and spending of the gifts would be considered new direct spending. Based on information provided by the agency, CBO estimates that both receipts and direct spending under this provision would be less than \$500,000 annually.

Estimate prepared by: Federal Costs: Deborah Reis and Ali Aslam. Impact on State, Local, and Tribal Governments: Susan Van Deventer. Impact on the Private Sector: Natalie Tawil.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FOREIGN OPERATIONS, EXPORT  
FINANCING, AND RELATED PRO-  
GRAMS APPROPRIATIONS ACT,  
2001

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Burton amendment.

Today, India is the world's largest democracy. India's one billion people account for one-sixth of the world's population. For half a century India has struggled to overcome colonialism, religious and ethnic conflicts and all of the problems of underdevelopment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

India has made tremendous progress in trying to address its human rights problems.

India has instituted a process to receive complaints, initiate investigations of all claims, and passed laws to take action against those officials and members of security forces that have committed human rights offenses. The Burton amendment would eliminate U.S. assistance to help sustain these achievements.

It is senseless to go through this again. As we continue this debate from last year, I want to say again that cutting development assistance to India would have disastrous effects.

I know that some members feel that India now has the opportunity to operate without the help of the United States. To that I say opportunity only follows hard work. It follows effort. And it never comes before.

Let's take this opportunity now to put forth the effort to truly help India, let's vote down the Burton amendment and help keep India on the road to economic sufficiency.

IN HONOR OF THE SPONSORS OF  
PROJECT CHILDREN 2000

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the sponsors of Project Children 2000, a program enabling children from Northern Ireland to temporarily escape the bitter conflict they have known all their lives, a conflict that has deprived them of their childhood, in a land where hatred and divisiveness have shaped the social climate. Project Children was established to provide a small window of simple childhood pleasures, a holiday of sorts dedicated to peaceful, happy pursuits—these children deserve nothing less, and so much more.

The sponsors or host families of this outstanding program have opened their hearts and their homes to these often neglected victims of the conflict, and they have done so with a profound sense of duty and a rare display of generosity and compassion. I am extremely proud that so many families from my district have volunteered to participate in Project Children. I would like to thank the following sponsors: John and Diane Antonacci; Terrance and Linda Begley; Joseph and Nancy Caprio; Steven and Annette Carbone; John and Linda Carney; David and Patricia Cedrone; Saulle and Marge Critell; Daniel and Susan Davison; Phillip and Kathleen DeCicco; Mark and Lynn deRowen; Donald and Irene Diverio; Al and Ellen Dorso; Peter and Robin DuHaime; Thomas and Cynthia Evison; Rick and Arlene Faustini; Raymond and Donna Flannery; Thomas and Michele Flynn; Salvatore and Patricia Fontana; Jim and Ana Gilligan; Michael and Pat Goodwin; Michael and Stephanie Griffin; John and Veronika Hecker; George and Margaret Hughes; Nicholas and Patricia Kaminsky; Andrew and Lynne Klosowski; Richard and Eileen Leahy; Brian and Elizabeth Lynch; David and Debra Stroehlein; Nicholad and Agnes Mangelli; Lorenzo and Debra Marchese; Harold and Janice Miller; Kevin and Lisa Miller; Bob and

Dyan Moore; Craig and Sharon Parker; Alan and Jan Paul; Craig and Kerry Plokhoy; David and Cathleen Quinn; Timothy and Amy Quinzer; David and Sally Roche; William and MaryJo Sabbert; Jan and Karen Samowski; Scott and Maria Sim; Jeffrey and Eileen Simmers; Stephen and Catherine Simpson; Michael and Laura Sims; Hoby and Joyce Stager; Keith and Barbara Stiehler; Robert and Denise Thompson Jr.; Joyce Vargas, Joseph and Barbara Wewlls; Rodney and Linda Bialko.

I also want to recognize the lovely children from Ireland who are gracing New Jersey with their presence this summer: Jeannette Bailey; Nicole Bennett; Nichola Boyd; Emma Campbell; John Clift; Marie-Theresa Collins; Stephen Coyle; Jason Curran; William Curran; Stephen Devine; Gemma Devlin; Anthony DiLucia; James Donnelly; Joseph Donnelly; Michelle Donnelly; Michael Duffy; Marie Sinead Flanagan; Caoimbe Marie Fox; Nathan Friel; Oria Gargan; Sean Paul Gorman; Kathleen Hall; Sinead Handley; Tomas Hull; Daniel Hutchings; Sinead Jackson; Jade Laird; David Lewsley; Gary Logan; Daniel Lynch; Laura Lyons; Martin Magennis; Jemina Maguire; Ursula McAteer; Nicola McCabe; Louise McConville; Samantha McConville; Jason McKernan; Claire McKinley; Luke McKibben; Sinead McLarnon; Sonia McManus; Padraig McPartland; Elaine Murray; Caoimhin McVeigh; Louise Kayleigh McVeigh; Charlene McWilliams; Grainne Pelan; John Robinson; Adele Ross; Una Simpson; Clare Tallon; Lorraine Villa; and Gemma Weir.

In addition, Project Children would not be successful without the hard work of dedicated committee members and other staff. I thank them as well.

I ask that my colleagues join me today in honoring Project Children and everyone who has contributed to making it a great success.

IN HONOR OF MINOR GEORGE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great servant of the people of Cleveland and leader of the Arab-American community, former Parma councilman Minor George. His recent death, at the age of 78, is a sorrowful event for the entire Cleveland, Ohio community.

Mr. George served as a Navy Lieutenant in World War II and was awarded the Bronze Star. After the war he was elected as the only Republican on the City Council of Parma and served three terms. In that office, his support was crucial to the success of a number of important Parma-area developments, including Parma Community General Hospital and Parma Town Hall. He was later to serve as Vice-Chairman of the Cuyahoga County Republican party.

Mr. George founded the Cleveland American Middle East organization with his friend Richard Ganim. Today this organization is the Arab-American community's leading political organization, uniting the voice of this important

part of the wider Cleveland community. It is a suitable tribute to the vision of its founder, who became the National Arab-American President.

Mr. George also worked tirelessly with entertainer Danny Thomas to raise money to open St. Jude's Children's Research Hospital. Without his efforts, this wonderful institution, which helps hundreds of sick children each year, would never have opened. We all owe him an enormous debt of gratitude.

Through this exemplary record of public service, Mr. George rose to national prominence and his opinions were sought in meetings with Presidents Nixon, Ford and Bush as well as Palestinian leader Yasser Arafat. He always conducted himself with great dignity and was well respected by all sections of the Cleveland community. He will be sorely missed.

I ask the House of Representatives to join me today in honoring the memory of this great community leader and role model.

MISSILE DEFENSE SYSTEM

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the July 12, 2000, Omaha World Herald editorial entitled "Another Reason to Hold Off." As the editorial correctly notes, this President should not make a decision on deployment of a missile defense system and should leave the decision to the next President. This Member has long supported the concept of a limited missile defense, however, a decision on deployment is premature. Ultimately a limited missile defense system is likely to prove feasible, especially in a sea-based deployment mode. A sea-based capacity can be readily deployed to an area of increased tension and directed more effectively at the missiles of a threat country, thus making it more feasible to destroy these missiles in the launch phase. This Member urges his colleagues to heed the admonition in this insightful editorial.

ANOTHER REASON TO HOLD OFF

If the proposed U.S. missile defense system were a demo model on a car dealer's lot, the average American wouldn't buy it—at least in its present condition. You step on the accelerator and it doesn't go. Or you try to make a sharp turn and the steering wheel comes off in your hands.

That isn't to say it can't be made right. We hope it can. But it certainly calls into question whether President Clinton ought to put in motion the process that would ultimately lead to its deployment. Our view is that the final decision can wait.

A choice not to decide is, after all, a decision in itself. And at present, given the killer missile's sputtery test record—last Saturday, the booster rocket somehow failed to turn loose of the interceptor—it's the right one to make.

It's a decision made easier by the fact that North Korea, frequently mentioned as a "rogue" state that might try to fling a nuclear missile or two at the United States:

(1) Is generally judged not to be able to deploy one for at least five years (probably

quite a bit longer, in reality); and (2) is currently making enough friendly noises about cooperation and even reconciliation with the West and with its sister state to the south that America may well come to view it with far less concern.

That still leaves other countries—Libya, Iran, Iraq, maybe even Pakistan—that might someday pose such a threat. But seasoned observers put their chances for fielding such missiles in a much longer time frame than was ever projected for North Korea.

This system, if built, is estimated to cost \$60 billion. That may well be low; when did we last hear of a weapons system coming in either on or under budget? Of its three currently scheduled tests, it has now failed two.

Mr. President, this important and costly device plainly needs more work. Either Governor Bush or Vice President Gore, as the next president, is more than capable of making the decision. Let George or Al do it.

#### PERSONAL EXPLANATION

#### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. HULSHOF. Mr. Speaker, due to travel delays, I was not present for rollcall votes 373 through 378. Had I been present, I would have voted "aye" on rollcall vote 373, "no" on rollcall vote 374, "aye" on rollcall vote 375, "no" on rollcall vote 376, "aye" on rollcall vote 377 and "no" on rollcall vote 378.

#### HONORING GIOACCHINO BALSAMO FOR A LIFETIME OF ACHIEVEMENT ON HIS 90TH BIRTHDAY

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. DeLAURO. Mr. Speaker, it is with great pride that I rise today to honor an extraordinary individual whose contributions to the Italian-American community in my hometown of New Haven, Connecticut have been truly invaluable. A friend to all who know him, I am honored to pay tribute to my Uncle Gino as he celebrates his 90th birthday.

The son of an Italian Supreme Court Judge, Gino grew up in Rome and came to the United States with his family shortly after the conclusion of World War II. Ambitious and hard working, Gino took on a variety of jobs throughout Greater New Haven, doing whatever necessary to support his wife, Nerina, and two children. Always committed to his Italian heritage, one of Gino's first jobs was delivering the news on the local Italian radio station. During his first years in New Haven, he found a friend and mentor in my father, Ted DeLauro to help guide him as he began a new life in America. Gino and his family formed a special bond with my family. My mother, Luisa, was especially close with her Aunt Nettie, whom she lived with until Nettie was fifteen years old. Gino's family would come to dinner every Thursday night and I can remember listening in wonder to his sto-

ries of Rome and Amalfi, New Haven's sister city. His gentle nature endeared him to all those fortunate to know him and I consider myself blessed to be in his family.

After becoming a prominent figure in the Italian-American community of the Greater New Haven area, he began to use his many talents to assist Italian immigrants with immigration formalities, translations, and travel arrangements to the "Old Country". As a native of Italy and immigrant himself, Gino understood the fear and confusion of coming to a new country. He used his knowledge of his homeland and what he had learned here to support and comfort families that sought his assistance. Finding more and more of his time focused on these issues, he established the Balsamo Agency at the age of fifty-two and ran the company until his retirement at the tender age of eight-four. His compassion, warmth and unparalleled dedication to the Italian-American community helped thousands of Italians adapt to their new lives in America. Without his diligent efforts on their behalf, many would have found the daunting task of starting a new life a much more difficult experience. He made a real difference in the lives of many—a rare accomplishment.

It is a pleasure for me to stand today to recognize Gino's lifetime of achievement. He has left an indelible mark on the New Haven community and words cannot begin to express the thanks and appreciation he deserves for all his kindness and good works. I am honored to join his wife of sixty-six years, Nettie, his children Dino and Fausta, family and friends in extending my best wishes to Gino as he celebrates his 90th birthday. Happy Birthday Uncle Gino!

#### IN TRIBUTE TO CHIEF JOSEPH WHITE

#### HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mrs. CLAYTON. Mr. Speaker, it is with great sadness that I rise to express my condolences to the family of Chief Joseph White, whose tragic and untimely passing, in the line of duty, we mourn. His wife, Joyce, his three children, his two foster children, his grandson and two foster grandchildren should know, that while their grief is heavy, comfort may be found in those close to them, friends and family, who will gather to acclaim his life. This husband and father was indeed a hero, cut down by a gun, while doing his job.

For nearly 30 years, Chief White gave of himself as a law enforcement officer, after retiring from the United States Navy. He served in a range of roles before becoming Chief at Rich Square a year and a half ago. He has been described as soft-spoken, yet effective. He was often seen with his 13-year-old grandson, a tough yet tender law man.

Chief White has now been called to rest and to reside in a place of total peace. God's finger has gently touched him and he now sleeps. I am confident that he has left a lasting impression on those who came to know him, and the principles that guided him will

now serve as guideposts for those he leaves behind. I am also certain that throughout his life, he remained a caring friend, a devoted and loving family member, and a committed and dedicated father and husband.

He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time he spent on this earth.

The passing of a loved one is always very hard to understand, but God has the situation in-hand. Ecclesiastes, Chapter 3, Verses 1 through 8 is instructive. It reads in part, "To every thing there is a season, and a time to every purpose under the heaven . . . A time to be born, and a time to die." And while his friends and family will greatly miss the Chief, I want to remind them that strength can be found in their continued support of one another. That is what he worked for all of his life. That is what he would want.

And, a special word for his wife and children. It is my hope that your family will be comforted by the fact that God in His infinite wisdom does not make mistakes. Your husband, father and grandfather will live on forever in your hearts and minds through your cherished memories of his life and the time you had with him. Please continue to support one another, and I will pray for God's rich blessings on each of you. May God comfort and help your family and friends and help all of you to hold on to treasured yesterdays; and reach out with courage and hope to tomorrow, knowing that your beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Chief Joseph White lived his life in sacrifice so that all of us could live our lives in pride. He has labored long. He now rests.

#### THE U.S. MUST SUPPORT PROP- ERTY RIGHTS FOR POLISH HOLO- CAUST VICTIMS

#### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. OWENS. Mr. Speaker, nearly two hundred of my constituents are the victims of a gross injustice which is continually being compounded by the evasive actions of the present government of Poland. Instead of acting expeditiously to end the cycle of evil set off by the Nazi extermination of Polish Jews, the present Democratic government of Poland has adopted a set of obviously immoral legal maneuvers which deny just compensation to these Polish holocaust victims and their heirs. Following the Nazi defeat, the Communist government continued the criminal denial of property rights. Now a government which has embraced the principles which recognize private property rights is behaving in a manner bordering on racketeering.

In response to a lawsuit filed in Federal Court in Brooklyn on June 18, 1999, the Polish government, on December 22, 1999 filed a motion to dismiss the pending case; however, four weeks later this same government began drafting a reprivatization law to submit to its parliament. The key provisions of the draft represent a blatant attempt to swindle the long



neglected victims: Only fifty percent of the current value will be offered to the original owners; payment in bonds which have no face value is proposed; inheritance taxes will be demanded; a one year limit on making claims under the statute will be imposed; for each person making the claim there will be a five year residency requirement.

Instead of these evasive actions which prolong the cruel and inhuman treatment already suffered by the Polish Jews; justice requires that the Polish government institute the following remedies for the survivors: Immediately commence the deeding of all government owned properties back to their rightful owners; creation of a fund for those with ownership rights in properties that have been sold to bona fide third parties; no eviction of any Polish citizens is demanded and an accounting of profits received by Poland during the last 55 years would be "negotiated away."

The obvious violations of human rights is the least issue involved in this class action suit. Government grand larceny is a more appropriate term to describe this stalemate. The current neutral position of the U.S. State Department on this matter is inconsistent with U.S. Human Rights Policy and totally unacceptable. In addition to encouraging condemnation by national and world public opinion it is vitally necessary that our government examine its relationship with the Polish government to determine ways to accelerate a just settlement of this sordid victimization. It must be noted that in both Switzerland and Germany, recent steps have been taken to establish large funds for labor and bank deposit claims. Private property claims are not only more easily validated; tradition also considers property rights as almost sacred. World opinion and all Democratic governments must act vigorously to uphold the rights of Polish Jews.

RECOGNITION OF MARY TURNER'S  
40 YEARS' SERVICE TO THE  
AMERICAN RED CROSS

**HON. TERRY EVERETT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. EVERETT. Mr. Speaker, I would like to recognize a very special humanitarian and volunteer in my congressional district, Mary Turner of Dothan, Alabama.

Mary Turner recently celebrated a remarkable four decades of service to Southeast Alabama as an employee of the Wiregrass Chapter of the American Red Cross.

Mary started to work as a secretary with the Red Cross on May 30, 1960. In January 1979, Mary became Chapter Manager, serving Houston, Henry, Dale and Geneva counties.

Since its inception some 83 years ago, the Wiregrass Chapter of the American Red Cross, has faithfully provided the community with disaster services, health and safety programs, services to the Armed Forces, support of the blood services program, Project Share, and many other outreach efforts. And for nearly half of its history, Mary has played an important role in supporting many of these local Red Cross programs.

Additionally, Mary has been active in and a member of many local, regional and state social and human service organizations, including the Governor's Conference on Volunteerism.

A kidney transplant and coronary by-pass surgery have not diminished Mary's dedication to serve others. She is presently active as a member of the Zonta Club of Dothan, the Association of Service Agencies, the Transplant Support Group, and Highland Park Methodist Church.

I wish to extend my best wishes to Mary and my personal thanks for her efforts to better the lives of so many. America is greater because of its volunteers and the work of people like Mary Turner who help to rebuild and strengthen our communities and restore and enrich our lives.

IN SUPPORT OF REAUTHORIZING  
PROGRAMS ADMINISTERED BY  
THE SUBSTANCE ABUSE AND  
MENTAL HEALTH SERVICES AD-  
MINISTRATION

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. DINGELL. Mr. Speaker, I am pleased to join my colleagues, Mr. RANGEL, Ms. CAPPS, Mr. BROWN, Mr. STRICKLAND, Ms. DEGETTE, and others as original cosponsors of legislation to reauthorize programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Established by Congress in 1992, SAMHSA has built on Federal-State partnerships with communities and private organizations to provide a safety net of services for individuals and families with substance abuse problems and mental illness. In 1995, the last year for which statistics are available, drugs and alcohol cost the American public \$276 billion in unnecessary healthcare costs, extra law enforcement, auto accidents, crime, and lost productivity. The bill introduced today recognizes the challenges of SAMHSA's comprehensive mission and builds upon its successful programs with over a dozen new provisions, a number of which include prevention initiatives that target risk factors contributing to substance abuse and mental illness.

An important aspect of this bill is its extension of the Secretary's flexibility and authority to create programs of regional and national significance in the areas of substance abuse prevention and treatment, and mental health services. This bill affords the Secretary new opportunities to respond to changing societal trends and tomorrow's needs through knowledge development grants, enhancing expertise of service providers, and implementation of regionally sensitive, community-specific programs on an as needed basis.

This bill also places a special emphasis on programs for our Nation's young people, aimed specifically at fostering a generation of drug and alcohol-free youth. This past December, when HHS released its annual report of illicit drug use among teenagers, "Monitoring the Future," we learned that overall marijuana and other illicit drug use among 8th, 10th and

12th graders had leveled off; but, decreases in crack cocaine use among 8th and 10th graders were offset by increases in the use of ecstasy among 10th and 12th graders, and steroid use among 8th and 10th graders. This is not good enough for America's next generation. Therefore, this bill provides funding to: strengthen families; prevent underage drinking; deter methamphetamine and inhalant abuse, particularly by adolescents; create developmentally appropriate early intervention and substance abuse treatment programs; help young people cope with exposure to violence; and permit re-entry into society from the juvenile justice system with appropriate wrap-around services (aftercare and mental health counseling) in place. These are model programs of which we can all be proud. The bill also improves coordination of services to children of substance abusers and provides new help for children and adults with fetal alcohol syndrome.

According to SAMHSA's 1998 Substance Abuse and Mental Health Statistics Source Book, of the 52 million Americans between the ages of 15 and 54 who experience a substance abuse or mental health problem, 8 million, or more than one in seven, have both a mental health and an addiction problem. This represents nearly 5 percent of all Americans in this age group. The bill introduced today acknowledges the common co-occurrence of these conditions by establishing best practices for treatment strategies, and by significantly expending and improving access to those services for both individuals and families.

SAMHSA has been the payer-of-last-resort for millions of Americans with mental health and substance abuse problems. Disorders of the brain are perhaps the most complex challenges we face. While stigmatizing, they are treatable and often preventable. This bill identifies and addresses the broad range of issues contributing to the complex concerns of substance abuse and mental illness. It creates new Centers of Excellence which will lead by example and represents a major step forward for America by providing compassionate and responsible solutions.

IN MEMORY OF MAYOR HUGH  
MARTIN CURRIN

**HON. EVA M. CLAYTON**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mrs. CLAYTON. Mr. Speaker, on Saturday, July 15, 2000, Mayor Hugh Martin Currin, of Oxford, North Carolina, left this life. He was laid to rest today, after serving a total of 25 years as Mayor of Oxford, over a period which spanned 50 years. He spent almost a third of his life as Mayor. At age 78, he died at his home and has now been called to rest and to reside in a place of total peace.

Mayor Currin was first elected to that position in 1949, after having graduated from Oxford High School, Wake Forest College and Wake Forest Law School. This son of a tobacco farmer served as a Naval Officer during World War II. Over the years, in addition to Mayor, he served in various public positions.

He was known for his ability to work with all people. The late Floyd McKissick, Sr., himself an attorney in Oxford, once said of Mayor Currin, that he was a "man of vision." He said the Mayor, "had the nature and capacity to treat a man fairly. He converted Christianity to the political arena." Indeed, despite his many activities and responsibilities, he still found time to teach Sunday School class for more than 40 years.

His years of service were perhaps captured best, in his own words. He said, "The City of Oxford has improved, not because of me or the commissioners, but because the people in this Town cared, and still do." Then, he added, "That's why Oxford has come so far—the people."

Mayor Currin was a devoted husband and loving father, whose son, also a lawyer, practiced with him in Oxford for many years. I know his wife, Doris; his son, Hugh Martin, Jr.; his daughter, Patricia Currin Mangum; and his two granddaughters will miss him dearly. All who knew him were touched by his humility, strength of character and faith in God. He was loved and well respected.

God's finger has gently touched Mayor Currin, and he now sleeps. I am confident that he has left a lasting impression on those who came to know him, and the principles that guided him will now serve as guideposts for those he leaves behind. He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time he spent on this earth.

#### ALEXIS DEVIN BLACK RECOGNIZED FOR SPECIAL PRAYER

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. WATTS of Oklahoma. Mr. Speaker, today I recognize the outstanding accomplishments of one of my younger constituents, Alexis Devin Black. Miss Black was recently selected as the Grand Prize Winner of the "My Prayer for America" contest conducted by KQCV, a Christian radio station in Oklahoma City. I would like to draw my colleagues' attention to this 13-year-old's eloquent prose, My Prayer for America, which outlines the characteristics that many hope our future America will acquire. Miss Black's special prayer follows:

MY PRAYER FOR AMERICA  
(BY ALEXIS DEVIN BLACK)

Dear God,  
My prayer for America comes from younger lips, but it speaks the truth of experience. I pray countless things for America, but above all I pray America come back to its forefather's beliefs. America's history speaks many things, but one that was spoken so clearly from the beginning was You. I pray that America will look at America and stop trying to save a world from problems that arise from some of its own influences.

My prayer for America comes from sighted eyes, but it has looked through blind ones. I pray America will realize that all people are truly created equal and though some may be different, that does not make them a lesser

person. I pray that one day a disability can be ignored and a person recognized.

My prayer for America comes from a stable home, but it can easily recognize a broken one. America has created a chicken exit for those who cannot handle marriage. They call it divorce. I pray that even if couples only "stay together for the kids" that they will stay together, not just for their children, but for You.

My prayer for America is one of hope, but it knows degeneration. America has degenerated in every possible and driven God away, therefore falling into its present state. I pray we will, as Americans, take responsibility for our actions and stop blaming our country. For a country can be no stronger, or righteous than its citizens. Amen

#### TWA FLIGHT 800

### HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. FORBES. Mr. Speaker, I rise to recognize the families of those passengers killed in TWA Flight 800. It has been four years since the Boeing 747 exploded over the ocean, 10 miles from Smith Point Park in Long Island, killing all 229 passengers and crew. Yesterday, the families of those aboard came together on the anniversary of the July 17, 1996, crash to remember their loved ones and to break ground on the memorial that will honor the memory of all those who were lost on that fateful night four years ago.

The memorial will have the names of all 229 people killed on Flight 800 chiseled into a curving slab of black granite, the centerpiece of a 2-acre garden that is scheduled for completion on the fifth anniversary of the crash one year from now. The memorial will provide a place for the families of the victims to go and pay tribute to their loved ones.

These families will always remember the day the jet burst into flames at about 8:45 p.m. and then plummeted into the dark waters. What ensued was a massive search over five square miles of debris in the open ocean. Hours later, the Coast Guard and rescue workers began the sad, sad task of turning their rescue mission into a recovery mission.

While the cause of the crash remains uncertain, the end result is still the same. Families that were once happy and complete still experience a deep sense of loss that endures. Life will continue for the parents, husbands, wives and children of those lost and though the years will pass, these families will never again be whole.

On this anniversary of TWA Flight 800, I encourage everyone to pause and remember the victims and their families. Remember those who waited so many hours only to learn that there was no hope for survivors. These are the people that struggle to make it through every day without those who were lost. For most of us, the events of that day have begun to fade into vague memory. For the families devastated by this tragedy, the memories will be forever vivid and full of pain. Let us take this day to rededicate ourselves to the memory of those lost on this day in 1996.

#### A TRIBUTE TO THE PHILLIP WHITE FAMILY REUNION

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a proud example of American family values, the Phillip White Family Reunion.

Phillip White, Sr., was born a South Carolina slave in 1810. By 1870, he and his wife Elizabeth had established roots in Newnan, Corveta County, Georgia. They gave birth to four children during slavery, and one other child four years after the end of the civil war. Amazingly, they kept their family group together while enduring that most evil of institutions. Their model of love of family endures to this day.

Since that time, the Phillip White Family has established itself in many states in this great nation, including Maryland, Michigan, Georgia, Ohio, California, Connecticut, New York, and especially in my own District in Philadelphia.

Mr. Speaker, the Phillip White Family began holding its reunions on the fourth Sunday in July in the early 1900's in Monroe, Georgia. In 1969, these family meetings evolved into today's Phillip White Family Reunion.

Each year, the reunion is held in a different city. Fittingly, the first White Family Reunion of the new millennium will be held in America's First City, my own Philadelphia. I am proud to welcome this great family to our fine city and I invite all my colleagues to join me in honoring them today.

#### MARGARET M. GENERALI K-5 SCHOOL

### HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 17, 2000*

Mr. MALONEY of Connecticut. Mr. Speaker and my distinguished colleagues, I ask that you join me today in recognizing the achievements of a group of youngsters from the Margaret M. Generali K-5 School in Waterbury, Connecticut. The students, along with their student council advisor, Mrs. Laura Dunlap, succeeded in raising over \$1,500 for the National World War II Memorial.

Mrs. Dunlap and the schools' student council members worked for two months at their fundraising campaign, including \$1,000 raised standing outside a local grocery store. Moreover, the students did not merely rely on adults to donate money; \$563 was given to the fundraising effort by their fellow classmates from Generali School.

At a time when young people are often tempted in harmful directions, it is especially important to acknowledge and reward positive efforts made by our newest generation. The students of Margaret M. Generali K-5 School are the very youngest in our public school system. Yet, through their fundraising, they have demonstrated an understanding and patriotism that is a credit to any age group.

These youngsters clearly recognize the contributions of the millions of men and women who fought and died in a war fifty years before they were born. They decided to make it their goal to help build a memorial honoring those courageous heroes of World War II.

On behalf of the House of Representatives and World War II Veterans and their families throughout our great nation, I want to thank the students of the Margaret M. Generali K-5 School for their hard work, their commitment, and their patriotism. It is gratifying to know that these industrious, bright, young Americans will be the ones leading America in the future.

# AIMEE'S LAW

SPEECH OF

## HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. SALMON. Mr. Speaker, the amended version of H.R. 894, which we are considering today does not include the section in the original bill that provided compensation to the victims of the crimes covered under this bill. This section, which would have transferred \$100,000 to each victim of these crimes, was removed from the legislation over a year ago. In fact, the version of Aimee's Law that the House passed by a vote of 412 to 15 on June 16, 1999, as an amendment to the Juvenile Crime Bill (H.R. 1501), also did not contain the \$100,000 transfer section. Although I believe strongly that victims of recidivist crime deserve compensation, out of deference to Members who raised concerns that this could complicate the administration of the act, the section was removed. Additionally, the comments provided by the Department of Justice [DOJ] on the transfer section apply to Aimee's Law as introduced, not the current version, and should also be discarded.

The amended version of H.R. 894 simply provides additional funding to states that convict a murderer, rapist, or child molester, if that criminal had previously been convicted of one of those same crimes in a different state. The cost of prosecuting and incarcerating the criminal would be deducted from the Federal crime assistance funds intended to go to the first state, and instead be given to the second state that obtained the conviction. This is fair. Most would agree that a state that releases a violent predator who commits another murder, rape or sex offense in another state should be held responsible for their actions.

As to the administration of Aimee's Law, if you can operate a calculator, you can perform the calculations required to implement the bill. DOJ conducts far more complicated calculations than those required under H.R. 894. Smartly, the bill provides DOJ with maximum flexibility in administering the act. DOJ may use different sources of Federal assistance to implement the transfer provision of the act. The burden on the states is minimal. The act requires DOJ to consult with the chief executive of the state affected to establish a payment schedule. In any event, states should seize the initiative and respond to this law by

keeping dangerous rapists, murderers, and child molesters behind bars until they are no longer a threat to society.

Mr. Speaker, I submit the following endorsements and editorials for the CONGRESSIONAL RECORD.

GRAND LODGE, FRATERNAL ORDER  
OF POLICE®,  
Washington, DC, July 10, 2000.

Hon. J. DENNIS HASTERT,  
Speaker of the House, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I am writing this letter to advise you of the strong support of the more than 290,000 members of the Fraternal Order of Police for H.R. 894, "Aimee's Law: No Second Chances for Murderers, Rapists or Child Molesters Act," which we understand will be brought to the House floor tomorrow under suspension of the rules.

The F.O.P. has been working closely with the bill's sponsor, Congressman Matt Salmon (R-AZ), for several years now. The legislation passed the House as an amendment to H.R. 1501, the "Consequences for Juvenile Offenders Act of 1999," by a 412-15 vote and passed the Senate as an amendment to S. 254, the "Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act" by an 81-17 vote. Clearly, this is a bill for which there is broad bipartisan agreement.

This bill as amended will provide additional funding to States that convict a murderer, rapist or child molester, if that criminal had previously been convicted of one of those crimes in a different State. The cost of prosecuting and incarcerating the criminal would be deducted from Federal crime funds received by the first State and instead be sent to the State that obtained the second conviction. If criminals are convicted in a "truth-in-sentencing" State and the criminal served at least eighty-five (85%) percent of his or her sentence, then there would be no transfer of funds.

Criminals who get locked up and stay locked up no longer pose any danger or threat to public safety. Recidivist rates for murderers, rapists and child molesters are high—but the cost to the victims and the communities they terrorize is higher still. Congressman Salmon's bill takes the right step by encouraging States to employ the death penalty where available and appropriate, or at least keep our most heinous criminals behind bars for the rest of their lives.

One of the most frustrating aspects of law enforcement is seeing the guilty go free and, once free, commit another heinous crime. Lives can be saved and tragedies averted if we have the will to keep these predators locked up. Congressman Salmon's bill addresses this issue smartly, without Federalizing crimes and without infringing on the State and local responsibilities of local law enforcement by providing accountability and responsibility to States who release their murderers, rapists, and child molesters to prey again on the innocent.

On behalf of the membership of the Fraternal Order of Police, I urge the House to again adopt this bill and send it to the Senate. If I can be of any further assistance, please do not hesitate to contact me, or Executive Director Jim Pasco, at my Washington office, (202) 547-8189.

Sincerely,

GILBERT G. GALLEGOS,  
National President.

FROM THE DESK OF FRED GOLDMAN

I am pleased to lend my continued support of Matt Salmon's bill "HR 894"—Aimee's Law. I strongly urge quick passage of "No second chances for murders, rapists, and child molesters."

Violent crime has become part of our way of life in this nation. Every second of every day, a violent criminal strikes somewhere in our country. A violent crime is committed every 19 seconds. A girl or woman is raped—every 70 seconds. A child is molested—also every 70 seconds. And a child or adult is murdered—every 28 minutes. We are a nation besieged with violence.

Since the introduction of this bill in July of 1998, as an amendment to the Juvenile Crime Bill, approximately 825,000 women or girls have been raped—and an equal number, 825,000 children have been sexually molested—and more than 36,000 people have been murdered.

Less than 3% of our total population commit 100% of this violence. These people recommit their horrible crimes over, and over again—because we let them. The average time served in prison for rape—5 years, the average time served for molesting a child—less than 4 years, and the average time served for committing murder—7½ years. And then, these monsters are released, and out recommitting these same crimes again. Because we let them! We are a nation that continues to put violent felons back on the street, knowing full well, that they will rape, molest and murder again.

There are no accurate records maintained as to where violent felons go after their release from prison. Good common sense, however, tells us that many of these monsters will travel to different states and recommit their heinous acts—again.

Rapists don't stop raping, child molesters don't stop molesting, and murders don't stop murdering—just because they move to a new state. To take the chance that they might, is too big a risk. One more victim, is one to many.

Encouraging States, through the passage of this bill, to get tough on violent criminals and keep them behind bars for at least 85% of their sentence is the only smart thing to do. A released violent felon is a new violent crime just waiting to happen. The longer these people are kept in prison, the safer the rest of us will be.

Every step must be taken, no matter how small, to insure the safety of the citizens of this country. If the passage of this bill prevents only one woman from being raped, only one child from being molested—or, only one murder from being committed then each and every legislator can feel proud.

Don't wait until your loved one is a victim of violent crime. I can assure you, that is a nightmare you don't want to experience. Any delay in the passage of "HR 894" is unacceptable. Remember—lives are at stake.

BRUCE AND JANICE GRIESHABER,  
Camillus, NY, July 8, 2000.

To: Congressman Matt Salmon.  
From: Bruce and Janice Grieshaber.  
Re: HR 894—Aimee's Law.

Our daughter, Jenna, was murdered on November 6, 1997, by a paroled violent felon. Her death deeply impacted two large communities in New York—Albany, where she was killed, and Syracuse, her hometown. Both communities rallied to force passage of legislation in New York that effectively eliminates parole for all violent felons and creates up to five years of post-release supervision. This legislation was dubbed "Jenna's

Law" by Governor George Pataki. This law will, according to the Rand Corporation, eliminate over 200,000 violent felonies in the next 15 years.

Our family has been through the police knocking at our door at 2:00 am to tell us our daughter has been murdered. We have sat in a police station, not 20 feet from her killer, being told that he was out on "mandatory release" parole. We have felt the utter confusion as to why the system had to free this animal even though he had 19 counts of illegal behavior in prison. We still anguish with the utter senselessness of a system that would put this violent creature back on the streets to injure, maim and kill. We now work with other victims, some of whom have lost a loved one who has been paroled in one state to move to and kill in another.

There is nothing in this world that can adequately describe the loss of a child. That they were senselessly murdered deepens the feeling. That they were senselessly murdered by someone who should have still been in prison creates a mind-numbing confusion that is completely inexplicable.

We totally support a law that would force states to reduce options for, or eliminate parole for violent felons. We think the 30,000 good people from every congressional district of New York State who signed petitions supporting Jenna's Law would do so for Aimee's Law. We implore the House of Representatives and Senate to listen to the people who have become victims and truly want an end to the horror that could befall any household in America. Please, please, pass HR 894.

KLAAS KIDS FOUNDATION,  
Sausalito, CA, July 7, 2000.

Representative MATT SALMON,  
U.S. House of Representatives, Washington, DC.  
Re: Aimee's Law

DEAR REPRESENTATIVE SALMON: My promise to Polly was always to protect her from harm. Unfortunately, like so many other parents, reality overwhelmed desire and I was unable to fulfill that simple yet impossible promise. On behalf of Polly and Aimee Willard and the thousands of other children and families whose lives have been shattered by avoidable violence I wish to thank you for authoring Aimee's Law.

The KlaasKids Foundation enthusiastically supports the amended version of HR 894, otherwise known as Aimee's Law. By linking recidivist violent offenses committed in different states your amendment encourages standardized policy in the most powerful way possible, by reducing federal crime funds for states that fail to comply.

Thank you Mr. Salmon, for your hard work on behalf of all Americans. The KlaasKids Foundation supports your effort and encourages all members of the United States House of Representatives to vote for Aimee's Law.

Sincerely,

MARC KLAAS.

April 2, 2000.

Hon. GRAY DAVIS, Governor of California,  
Sacramento, CA.

DEAR GOVERNOR DAVIS: We are writing to ask for your support of legislation in Congress to close the revolving door of justice that allows convicted murderers, rapists and child molesters to prey upon the innocent over and over again. As Governor of California, you have demonstrated in both word and deed your commitment to tough criminal justice policies that place the protection of society first. Indeed, California's criminal

laws and sentencing requirements are now among the toughest in the nation, to the everlasting relief of its citizens.

But more needs to be done. All too often, convicted murderers, rapists, and child molesters are released from prison only to victimize the innocent once again. In fact, more than 14,000 murders, rapes, and sexual assaults are committed each year by previously convicted murderers and sex offenders. About one in eight of these completely preventable crimes occurs in a state different from the one where the first conviction was obtained.

The toll on America's children is particularly high: Each year, approximately 83 children are murdered, 1315 are raped, and 7510 are sexually assaulted by released murderers, rapists, and child molesters. How can this happen? In large measure, it is because the national average time served in state prison for rape is just 5½ years. For child molestation, it is about 4 years. And for murder, it is just 8 years. As crime victims and survivors, we know all too well that this is unacceptable.

The No Second Chances for Murderers, Rapists, or Child Molesters Act, also known as "Aimee's Law", would reduce this carnage by rewarding states like California that get tough on these monsters who prey upon the innocent over and over again. Specifically, Aimee's Law would provide additional funding to states that convict a murderer, rapist, or child molester, if that criminal had been previously convicted of one of those same crimes in a different state. The cost of prosecuting and incarcerating the criminal would be deducted from the federal crime funds intended to go to the first state, and instead be added to the funds sent to the state that obtained the second conviction.

For states like California that are serious about getting tough on violent crime, Aimee's Law would help mitigate the high cost of apprehending, prosecuting and incarcerating previously convicted murderers, rapists and child molesters from other states who bring their terror to the citizens of California. For states with too lenient laws for these predatory and highly mobile criminals, Aimee's Law would act as a strong incentive for needed change.

Aimee's Law enjoys broad bipartisan support from a variety of law enforcement and victim's rights organizations including the California Correctional Peace Officers Association, the Klaas Kids Foundation, the Doris Tate Crime Victims Bureau, the National Fraternal Order of Police and the California Protective Parents Association, just to name a few. In fact, as an amendment to the Juvenile Justice bill, it passed the House of Representatives by a vote of 412-15 and the United States Senate by a vote of 81-17 last Spring. Both Senators Feinstein and Boxer supported Aimee's Law as did 46 of the State's 52 Representatives in the House.

Had Aimee's Law been considered as a stand alone bill it surely would have been signed into law by the President months ago. Unfortunately, differences over unrelated provisions in the Juvenile Justice bill have prevented Aimee's Law from reaching the President's desk. Clearly, common sense bipartisan crime legislation like Aimee's Law should not be needlessly held up because of difference over totally unrelated provisions.

It's time to pass Aimee's Law and put a stop to this easily preventable carnage once and for all. With your support, we can prevent thousands of innocent women and children from being brutalized by a convicted murderer or sex offender.

Thank you for your time and consideration. We eagerly await your influential endorsement, which should be faxed to the office of the sponsor of this legislation, Congressman Matt Salmon at 202-25-3405.

Sincerely,

MARY VINCENT,  
MARC KLAAS,  
FRED GOLDMAN.

SOUTHERN STATES POLICE  
BENEVOLENT ASSOCIATION, INC.,

Alexandria, VA, June 15, 1999.

Hon. MATT SALMON,  
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SALMON: The Southern States Police Benevolent Association (SSPBA) wishes to lend its strong support to the Matt Salmon, Curt Weldon and Adam Smith amendment to the House Juvenile Justice Bill.

SSPBA is composed of 17,000 federal, state, and local law enforcement officers from the states of Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. The association has always supported tough laws to protect our society from predators.

We believe that this bill takes preventive measures that are necessary to protect our children and is a step forward in terms of dealing with these very sensitive issues. If adopted, this amendment can significantly reduce some of the problems that plague our society.

Congressman Salmon, the PBA commends you and the others involved for introducing this important legislation and we urge Congress to work swiftly for its enactment.

Sincerely,

H.G. "BILL" THOMPSON,  
Director, Governmental Affairs.

CHILDHELP USA,  
Scottsdale, AZ, May 14, 1999.

Hon. RICK SANTORUM,  
U.S. Senate, Washington, DC.

DEAR SENATOR SANTORUM: We applaud the amendment that you are offering to the Senate Juvenile Crime Bill (S. 254). This amendment, also known as Aimee's Law (S. 668, H.R. 894), would encourage states to incarcerate our nation's most brutal offenders—murderers, rapists, and child molesters.

For the past 40 years, Childhelp USA has waged its own campaign to raise awareness of the issue of child abuse and neglect. We firmly believe that those who prey upon our children should be removed from society. We are honored to join our hearts and hands with you to protect the innocent, especially our children.

Thank you for helping to protect America's youth. We encourage all Senators to vote for your amendment.

Sincerely,

SARA O'MEARA,  
Chairman & CEO.  
YVONNE FEDDERSON,  
President.

CALIFORNIA CORRECTIONAL PEACE  
OFFICERS ASSOCIATION,  
West Sacramento, CA, April 16, 1999.

Hon. MATT SALMON,  
Washington, DC.

DEAR CONGRESSMAN SALMON: I am writing on behalf of 28,000 members of the California Correctional Peace Officers Association (CCPOA) to express our support for H.R. 894, "No Second Chance for Murderers, Rapists, or Child Molesters Act of 1999, which you re-introduced. CCPOA strongly supports this

legislation because it would redirect funds from a state that has released a murderer, rapist, or child molester to pay the prosecution and incarcerations costs incurred by a state which has had to reconvict this released felon for a similar crime. By doing so, this legislation would work to keep these violent felons off our streets by encouraging states to keep such offenders behind bars. CCPOA appreciates your leadership in this important area. Please contact our Washington, D.C. representative, Shannon Lahey, at (202) 333-6924 if we can be of any assistance to you in securing the passage of H.R. 894.

Sincerely,

MIKE JIMENEZ,  
*Executive Vice President, CCPOA.*

MOTHERS OUTRAGED AT  
MOLESTERS ORGANIZATION INC.,  
*Independence, MO, June 1, 1998.*

Hon. MATT SALMON,  
*Cannon Building,  
Washington, DC.*

DEAR REPRESENTATIVE SALMON: We at Mothers Outraged at Molesters (M.O.M.s) enthusiastically endorse the "No Second Chances for Murderers, Rapists, or Child Molesters Act of 1998." Passage of this legislation would pressure States to keep sexual offenders behind bars for longer prison terms.

Convicted sexual offenders should not have the opportunity to repeat their criminal behavior. We are aware of numerous cases where convicted molesters have actually said that they would re-offend if released from prison. From what we have witnessed in court, the victims of sexual abuse come in all ages and stations in life. The victims have been babies, nuns or even an Alzheimer patient.

It is well documented that sexual offenders have a high recidivism rate. Among sexual predators, child molesters are the most likely to re-offend. Some studies indicate that convicted child molesters have a recidivism rate as high as 70-90 percent. We simply can not afford to let these people out of prison to destroy additional young lives. Your bill's penalty mechanism, providing that the State that releases a rapist or child molester is liable for any attacks committed by these criminals in other states, will spur a nationwide effort to keep convicted sexual predators in state custody for life with no chance of parole. By keeping the most dangerous criminal element off the streets, thousands of sexual assaults will be prevented each year.

We at M.O.M.s applaud you on your effort to protect innocent citizens from repeat sexual predators. Please do not hesitate to call us to help you advance the "No Second Chances Bill".

Sincerely,

CYRILLA BENDER,  
*Founder/President of M.O.M.s.*

[From the Arizona Republic, June 4, 1999]

ONE LESS OPTION FOR CRIMINALS—SALMON BILL ANOTHER CHECK ON KILLERS, RAPISTS  
Rep. Matt Salmon is trying again.

We hope he succeeds.

This year, we hope members of Congress pass his No Second Chances for Murderers, Rapists or Child Molesters Act.

They should do it for men, women and children whose lives are shattered—sometimes extinguished—by violent criminals who should never have been released from prison.

They should do it for families who will never be released from the pain of wondering, "What if I'd gone with her?" or,

"What if I'd said, 'No, you can't ride your bike to the store?'" or, "What if I'd gone home early that day?"

Salmon's bill creates a strong financial incentive for states to impose stiff sentences on violent criminals. And it deftly does it without imposing federal regulations.

It works this way: If a state releases a convicted murderer, rapist or child molester whose sentence fell below the national average or who served less than 85 percent of his or her sentence, that state would be liable if the vermin reoffended in another state.

Money from the first state's federal anti-crime funds would be diverted to pay the cost of prosecuting and incarcerating the criminal in the state where the new offense was committed. The bill also provides \$100,000 to victims.

"States should now be on notice that the revolving prison door for sexual predators and murderers must end," Salmon said.

If you doubt the need to send that message, consider these frightening statistics from the Department of Justice.

- The average time served in state prisons for rape is 5½ years.

- The average time served in state prisons for child molesting is four years.

- The average time served in state prisons for murder is eight years.

That's not even long enough for the nightmarish memories to begin healing. It's not long enough for the criminals to worry about the consequences of doing it again.

And they will do it again.

Salmon's bill is also called "Aimee's Law," for Aimee Willard, a 22-year-old university student who was raped and murdered in Pennsylvania by a killer who was paroled in Nevada.

Every year, according to Salmon's office, the kind of criminals covered by this bill are released, then cross state lines and kill more than 100 people, including 10 children.

They cross state lines and rape more than 445 people, including 165 children.

They cross state lines and sexually assault more than 1,200 people, including 935 children.

Congress should say, "Enough." Salmon vows to push for passage of his bill as part of a larger juvenile justice bill or as a separate piece of legislation.

Either way, it ought to pass.

Either way, states ought to get the message that law-abiding citizens, not criminals, deserve second chances.

CONCERNS OF POLICE SURVIVORS, INC.

CAMDENTON, MO, May 21, 1998.

Hon. MATT SALMON,

*U.S. House of Representatives, Cannon House  
Office Building, Washington, DC.*

DEAR CONGRESSMAN SALMON: "All too often law enforcement families are victims of America's violence!" This is a quote used on a poster Concerns of Police Survivors produced and distributed several years ago. And, unfortunately, all too often police families have their officers injured or killed by perpetrators convicted of heinous crimes who have been released early from prison to prey once again on defenseless Americans.

"The No Second Chances for Murderers, Rapists, or Child Molesters Act of 1998" would place appropriate demands on state penal systems not to release violent offenders simply to relieve overcrowding in the jails or because the perpetrator has served a full sentence. Often, unfortunately, without the public being aware, the released violent offender moves to another state to "start over". Unfortunately, "Starting over" often

means picking up with their violent behavior where it left off during their incarceration.

As you pointed out in earlier correspondence, Ippolito "Lee" Gonzales was violently killed in the line of duty while serving with the Franklin Township Police Department in New Jersey. Robert "Mudman" Simon had moved to New Jersey following his release from a Pennsylvania prison after serving 12 years for the murder of his girlfriend who refused to have sex with gang members. Three months after Simon's release, Officer Gonzalez was executed in cold blood during a simple traffic stop. If Pennsylvania had continued to incarcerate Mr. Simon, Officer Gonzales might still be patrolling the streets of Franklin Township.

After the recent observances of National Police Week 1998, May 10-16, and National Victims Rights Week, April 21-27, it is our hope the Congress will remember that law enforcement finds itself seeking repeat offenders who have inflicted their terror on newer victims. Strict sentencing and continued incarceration of violent offenders will make law enforcement's job easier on the streets. It will also spare many Americans from experiencing violent victimization. As you pointed out in earlier correspondence, last year not a single murderer, rapist, or child molester in prison victimized an innocent person in the community. The revolving door of our weakened justice system must be strengthened by tough, innovative legislation which places the burden of responsibility on the appropriate individuals; the perpetrator, the courts, the juries, and the penal system. This bill is certainly one way States will be held responsible for decision they make to allow violent offenders to return to the streets that affect the safety of their citizens and the safety of citizens living in other States as well.

We wish you much luck in the Congress as you take on the task of attempting to pass this bill.

Sincerely yours,

SUZIE SAWYER,  
*Executive Director.*

[From the Daily Journal, March 4, 1999]

NO SECOND CHANCES

Mika Moulton, the mother of Christopher Meyer, is pushing for a law called "No Second Chances."

No Second Chances would essentially bar each of the nation's 50 states from granting early releases to murderers, rapists and child molesters. It means that a murderer sentenced to life would serve life, essentially ending all hope of parole.

If a state does release a killer who goes on to strike again, he or she would have to pay all the costs of the second prosecution, no matter in what state it occurs. They would also have to pay \$100,000 to the victim's family.

The law would, of course, mean a massive new prison construction program. The Federal Justice Department estimates that there are 134,000 sex offenders out on probation or parole. Our own Kankakee County list of convicted offenders tops 100.

Much is always made of the cost of building prisons and pushing prosecutions.

What Ms. Moulton is trying to call to our attention is the cost of not keeping people in prison. Sometimes that cost is another rape. Sometimes it's a dead child. The Justice Department says released murderers commit 100 killings a year. Released rapists commit 445 new rapes a year.

Those costs need to be weighted, too.

It's hard to argue that someone who kills a child deserves a second chance.  
Pass the law.

[From the Richmond Times-Dispatch, May 23, 1999]

#### AIMEE'S LAW

Last summer in this space we supported a measure introduced by Arizona Congressman Matt Salmon to hold states liable if their released sex offenders committed subsequent crimes in other states ["No Second Chances," August 12].

"Aimee's Law"—in memory of college student Aimee Willard who was kidnapped, raped, and murdered near Philadelphia by a brute paroled by Nevada—strikes a commendable balance. It creates an incentive for states to monitor predators more closely instead of merely chasing them out of town, while not federalizing crimes that ought to remain under local jurisdiction.

Last week the Senate passed the measure as an amendment to a larger crime bill. Similar legislation is pending in the House, and it ought to be approved as well. Giving a one-way bus ticket to a sex offender might improve the community he leaves, but it is the equivalent of shipping toxic waste to unsuspecting states.

"Aimee's Law" would make states bear the costs of such a repugnant practice. It is good legislation the House should pass and the President should sign into law.

[From the Tampa Tribune-Times, Aug. 16, 1998]

#### "NO SECOND CHANCES" BILL DESERVES CAREFUL CONGRESSIONAL CONSIDERATION

Lawrence Singleton should have died lonely and despised in a California prison. Instead, the infamous criminal who hacked off the arms of a teenage girl after raping her walked out of his cell and returned to make his home in Florida.

It wasn't long before he was under arrest again, this time for murder.

Singleton is sentenced to die in Florida's electric chair, but he's an old man in failing health who still has appeals to exhaust. As a prisoner, he costs taxpayers \$26,000 a year. We taxpayers are paying for his legal costs.

Under a Federal bill making its way through the House of Representatives, the state of California, which let Singleton out of jail, would have to pay Florida's expenses. It also would have to compensate, to the tune of \$100,000, the family of Tampa murder victim Roxanne Hayes.

The bill, called No Second Chances for murderers, rapists or child molesters, deserves a fair hearing.

It attacks a national crime problem without costing more federal money. It alerts states that they will assume a financial risk when they release their most violent criminals back into society. It does not federalize crimes or infringe on state and local responsibilities for law enforcement.

At the same time, the bill merits careful scrutiny.

It was written to prod states into drafting laws that would not allow violent sex offenders and murderers to go free. If states don't decide to put those criminals in jail for life, then they risk a financial penalty for giving their prisoners "a second chance." And some prisoners, unlike Singleton, deserve a second chance—after they have paid their debt to society in full.

That's the crux of the problem. Prisoners locked up for despicable offenses are going to get out of jail, and many of them will not

have served enough time for their crime. U.S. Rep. Matt Salmon's proposal would force states to put them away forever or pay the price.

The Arizona Republican has the support of parents of murder victims, including Fred Goldman, whose son Ron was killed with Nicole Brown Simpson, and Marc Klaas, whose daughter Polly was murdered by a repeat offender in California.

Whether we like it or not, released criminals roam from state to state. States have no recourse to prevent this immigration, even though one in seven repeat crimes occurs in a different state from the original offense.

Each year, according to Department of Justice studies, released killers drifting from one part of the country to another murder more than 100 people. Each year rapists cross state lines and claim 445 new victims. Each year these criminals cross state lines and sexually assault more than 1,200 people, including 935 children.

(And we don't have to remind you of the many bad actors who wend their way to the Sunshine State when winter looms.)

Critics of the proposal say the recidivism rate for these most heinous crimes is low, but some studies suggest these offenses are repeated more often than not. The critics complain that state laws already allow judges to put repeat offenders away for life, but those arguments do not address the victimization of innocent people or the victimized state's ability to pay for its prisoners.

Specifically, the proposal would require the Justice Department to transfer federal crime-fighting dollars from one state to another to pay for the costs of reincarceration as a repeat offender.

Half of the amounts transferred would be deposited in the state's crime victims' fund, and half would be deposited in the state account that collects federal law enforcement funds. Additionally, the proposal would provide \$100,000 to the victims of the subsequent attack.

Interestingly, the bill mandates nothing. The states are required to do nothing. But a state would run the risk of losing federal crime-fighting funds if it let a killer or child molester out of jail and then that convict committed a crime again.

The proposition raises other issues. If a state decides to make life prisoners of these criminals, it has to have a place to house them. The state must also have a parole or probation system to judge accurately when to release prisoners.

Lawmakers considering the bill must also figure out how to handle those prisoners who have served their time. States have no authority to detain someone who has served his sentence and should not be penalized for future crimes in other states.

There are no simple answers to this vexing problem, but Salmon's approach would at least force a state to face the consequences of its decision. The Goldmans and Klaases of the world will not remain silent, and they have thrown their considerable celebrity behind this effort.

The proposal bears watching—and talking about—as the measure makes its way through Congress.

[From the Delaware County Sunday Times, March 26, 2000]

#### TIME FOR THE HOUSE TO ENACT AIMEE'S LAW

The brutal and senseless murder of Aimee Willard in June 1996 touched the very heart of Delaware County. A vivacious college stu-

dent and athlete with a bright future was lost and we hurt for her family and friends.

But with the conviction and sentencing of her killer, the book did not close on this terrible chapter in county history. Aimee Willard lives on with the crafting of legislation aimed at preventing a tragedy such as the one that befell her.

This week the U.S. House of Representatives will consider "Aimee's Law."

Labeled as a bipartisan effort, the law turns up the heat on states to impose stronger sentences for criminals convicted of rape, murder and child molestation.

Gail Willard, Aimee's mother, testified at a Congressional hearing last year, urging stiffer state sentencing guidelines for career criminals such as Arthur Bomar.

Bomar had been convicted of killing a man in Nevada over a parking spot. He served 11 years in jail in Nevada before being paroled, despite showing a propensity for violence in prison.

"Right now, life criminals are running the system," said Gail Willard during her testimony in Washington.

U.S. Rep. Curt Weldon says the early release of violent felons is plain wrong.

"The average time served in a state prison for rape is just 5½ years," Weldon said. "For child molestation, it is about four years. And for murder, it is just eight years. That's absolutely unacceptable."

Aimee's Law requires a state that releases a convicted murderer, rapist or child molester who goes on to commit another crime in another state to compensate the second state for the cost of apprehending, prosecuting and incarcerating the criminal.

The money loss would come in the form of withholding federal crime grants from the first state and adding the amount to the second state's share, according to one of the law's sponsors, U.S. Rep. Matt Salmon, R-Ariz.

Whether the financial stick and carrot will work remains to be seen, but several questions remain:

Will the threat of grant money loss make parole boards more accountable—or at least look with a little more scrutiny at who is being allowed to walk out the front gate?

Why must the taxpayers foot the bill for screw-ups in the state prison system?

Should we keep building prisons and ignoring the issue of rehabilitation?

Despite those concerns, we see the consideration of "Aimee's Law" as a step in the right direction as it puts a victim's face on the problem of repeat violent offenders and the need to place responsibility on the shoulders of our state prisons.

#### AMERICAN SHIPBUILDERS CRUISE INTO A NEW MILLENNIUM

#### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. ABERCROMBIE. Mr. Speaker. On June 30, 2000, Litton Ingalls Shipbuilding cut steel on the first cruise ship to be built in the United States in nearly 45 years. This historic event marks another milestone in the U.S.-flag Cruise Ship Pilot Project, enacted as part of the MARITECH program in the Department of Defense Appropriations Act of 1998, and represents America's re-entry into the burgeoning cruise travel market.



*July 18, 2000*

## EXTENSIONS OF REMARKS

**15255**

People have been saying for years that America cannot build ships competitively on the world market. The construction of the two cruise ships for American Classic Voyages Co. at Litton Ingalls Shipbuilding demonstrates that America can build ships competitively on the world market. At a fixed price of \$440 million a piece, the ships are only slightly above the price being charged for cruise ship construction in European yards, where nearly all new cruise ships are built. The price of the America ships would be even more competitive in the world market if the worldwide ship construction subsidies were eliminated.

The cruise industry is one of the fastest growing segments of the travel and leisure industry, growing at a pace of about nine percent annually. Loopholes in U.S. laws and regulations have essentially ceded this burgeoning vacation business to companies operating cruise ships under flags-of-convenience. With the exception of the single U.S.-flag

oceangoing cruise ship operating in my State of Hawaii, there are no U.S.-flag oceangoing passenger liners. The U.S.-flag Cruise Ship Pilot Project, enacted to help jumpstart the U.S.-flag cruise industry, will change that and will give Americans a foothold in a cruise industry now dominated by foreign cruise lines.

The revitalization of the American cruise business is vital to our economic and national security. The Department of Defense has stated that the Pilot Project alone could save it "tens to hundreds of millions of dollars" in shipyard overhead costs. It also helps to sustain the shipbuilding industrial base of the U.S., which is vital to national security. The thousands of jobs created will help maintain the manpower necessary for building and crewing ships in times of national emergencies. The Department of Defense has also expressed an interest in utilizing the hull designs for cruise ships for command and control vessels in the future.

Mr. Speaker, I am pleased to see a resurgence of interest in the U.S.-flag cruise business. At least three companies have publicly expressed a desire to build U.S.-flag cruise ships in a U.S. shipyard for the American cruise market. Future construction in this area will improve the worldwide competitiveness of U.S. shipyards, and Litton Ingalls Shipbuilding is leading the way for America's re-entry into this growing marketplace. These efforts are important to the future of the U.S. shipbuilding industry, a U.S.-flag maritime industry, and our national security.

I am looking forward to the day when American Classic begins operating these new ships in Hawaii, bringing with it thousands of seagoing and shoreside jobs. Projects such as this will help renew America's leadership in commercial ship construction and in the cruise industry. I hope that Congress will do all it can to help revitalize this vital American industry.